JAMES PATTERSON

& JOHN CONNOLLY WITH TIM MALLOY

FILTHY RICH

A POWERFUL BILLIONAIRE,
THE SEX SCANDAL THAT UNDID HIM, AND ALL
THE JUSTICE THAT MONEY CAN BUY:

THE SHOCKING TRUE STORY OF JEFFREY EPSTEIN

I don't see what it adds to the
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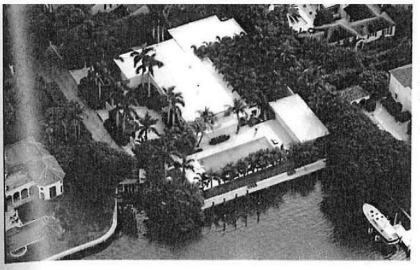
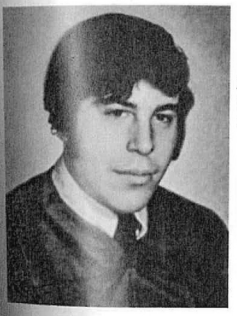
estigation had taken place, that
But, at that time, no criminal
irs had been launched. And in
the rumors of Epstein's dealings
l to be just that—rumors.
his lawyers, his editors, and his
ing odd and disturbing happened
n in Times Square.

to the office early. He swiped his
the elevator button, and arrived in
ion area on the twenty-first floor.
ct time to review Ward's story.
n's town house—which is said to
residence in New York City at the
e, amid the flurry of menservants
and pristine white gloves, you feel
leone's private Xanadu," she'd writ-
person's home, but a high-walled,
that seems to have no boundaries.
ed not with paintings but with row
amed eyeballs; these, the owner tells
nported from England, where they
ers. Next comes a marble foyer, which
e manner of Jean Dubuffet . . . but the
visitors who painted it. In any case,

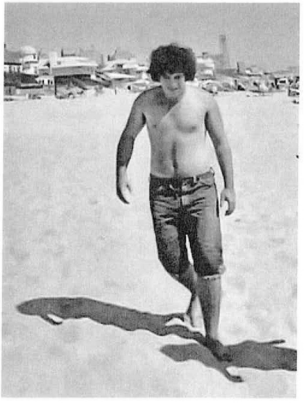


Epstein's Palm Beach property, 358 El Brillo Way (© *Chris Bott / Splash News / Corbis*)

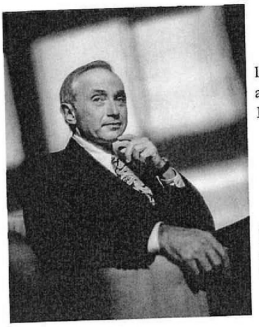
One of the photographs captured on video during the Palm Beach Police Department search warrant walk-through of Epstein's El Brillo Way residence (*Palm Beach Police Department*)



Jeffrey Epstein's 1969 high school yearbook photo (*Lafayette High School, Brooklyn, New York, 1969*)

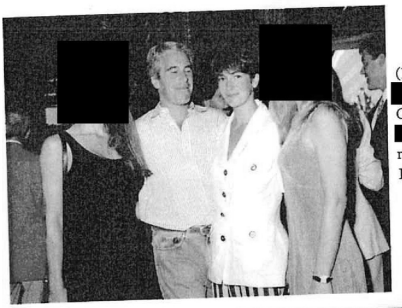


Jeffrey Epstein, Coney Island, circa 1969 (*Anonymous*)

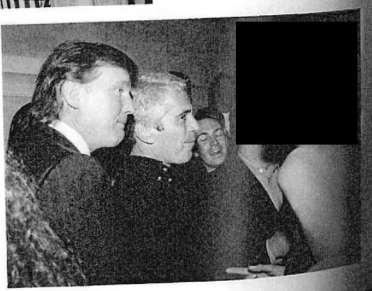


Leslie Wexner, photographed at his home in New York City, 1989 *(© Lynn Goldsmith)*

(L to R) Jeffrey Epstein, Ghislaine Maxwell, and Tony Randall, who presided over a November 1991 YIVO Institute event at the Plaza Hotel to honor the late Robert Maxwell *(Marina Garnier)*



(L to R) [redacted], Jeffrey Epstein, Ghislaine Maxwell, and [redacted] attend a reception at Mar-a-Lago, 1995. *(Davidoff Studios)*



Jeffrey Epstein, Donald Trump, and (newly signed Trump Model) [redacted], attending the Victoria's Secret Angels party at Laura Belle club in New York City on April 8, 1997 *(Marina Garnier)*

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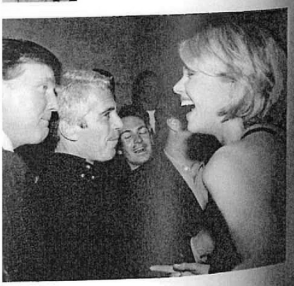
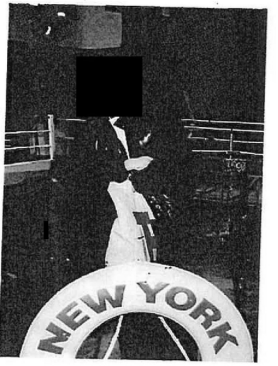


[redacted], age fifteen; photo reportedly taken by Jeffrey Epstein in New York City [redacted] *Affidavit, US District Southern Court of Florida)*



(L to R) Prince Andrew, [redacted] and Ghislaine Maxwell; photo reportedly taken by Epstein with [redacted] camera in Maxwell's London town house. [redacted] was seventeen years old at this time. ([redacted] *Affidavit, US District Southern Court of Florida)*

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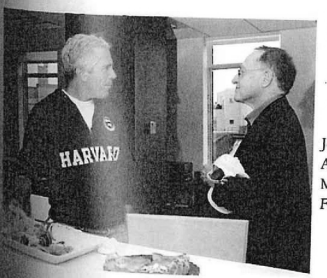
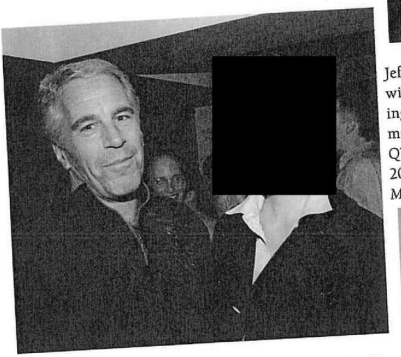
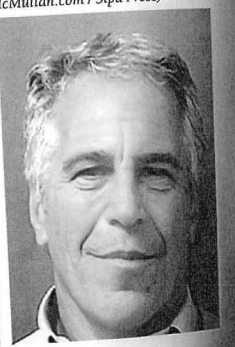


Jeffrey Epstein with Professor Alan Dershowitz in Cambridge, MA, September 8, 2004 *(© Rick Friedman / Corbis)*

On the day the police investigation began, Epstein was photographed with Ghislaine Maxwell in New York City at the 2005 Wall Street concert series benefiting Wall Street Rising, at Cipriani in New York City, March 15, 2005. *(Joe Shildhorn / Patrick McMullen)*



Jeffrey Epstein, photographed with [redacted] attending the launch of *Radar* magazine held at the Hotel QT in New York City, May 2005 *(Neil Rasmus / Patrick-McMullan.com / Sipa Press)*



2008 Palm Beach County Sheriff's Office booking photo of Jeffrey Epstein *(Palm Beach County Sheriff's Office)*

The Stockade, where Epstein served his sentence, photographed here in 2006, was located at 673 Fairgrounds Road in West Palm Beach, Florida. At the time, it was used as a minimum- and medium-security facility housing women and juveniles, as well as male inmates on a work-release program. *(Smith Aerial Photos)*

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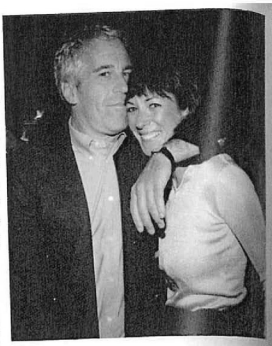

Jeffrey Epstein, photographed with Adrianna Ross, attending the launch of *Radar* magazine held at the Hotel QT in New York City, May 2005 *(Neil Rasmus / Patrick-McMullan.com / Sipa Press)*

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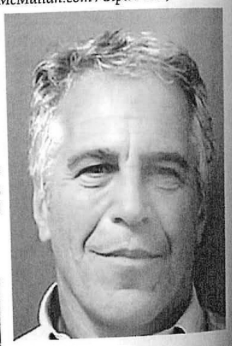

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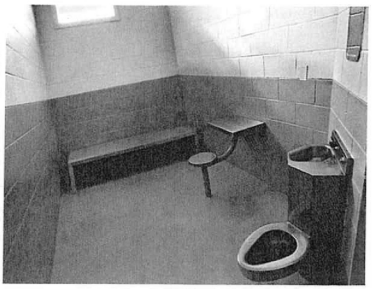
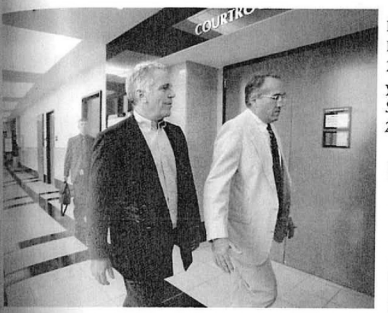
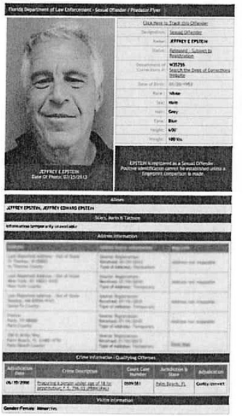
Epstein pleaded guilty to state solicitation charges and served thirteen months of an eighteen-month sentence, with liberal work-release privileges, in a solitary cell at the Palm Beach County Stockade similar to the one pictured here. *(Courtesy CDC Special Management, Palm Beach Sheriff's Office)*

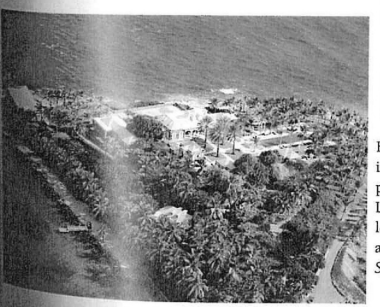




Epstein and lawyer at the West Palm Beach courthouse in June 2008 to enter a plea nearly two years after being charged *(Uma Sanghvi / The Palm Beach Post / ZUMAPRESS.com)*

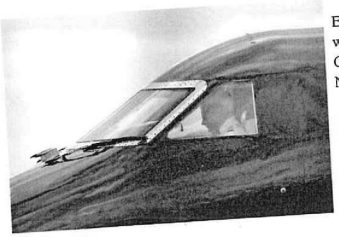


Jeffrey Epstein's entry in the National Sex Offender Registry *(National Sex Offender Registry)*



Epstein's Little Saint James island, U.S. Virgin Islands: a privately owned cay (nicknamed Little Saint Jeff's) whose owner locals affectionately refer to as Richie Rich *(© Chris Bott / Splash News / Corbis)*

Epstein's Gulfstream, photographed on Little Saint James island in the U.S. Virgin Islands, January 2015 (© *Chris Bott / Splash News / Corbis*)



Epstein's longtime pilot, Larry Visoski, was at the controls as Epstein's Gulfstream left Teterboro Airport in New Jersey, January 2016. (*Jae Donnelly*)

When Prince Andrew and Epstein were seen strolling together through New York's Central Park in 2011, shortly after Epstein's release from jail, the duke was forced to quit his role as the British government's global trade envoy. (*Jae Donnelly / News of the World*)

Stephen Hawking, photographed in March 2006 aboard an Atlantis submarine that was custom-fitted by Epstein to accommodate his wheelchair. Hawking was attending the conference "Confronting Gravity," "a workshop to explore fundamental questions in physics and cosmology," sponsored by the J. Epstein VI Foundation and the Center for Education and Research in Cosmology and Astrophysics (CERCA) at Case Western Reserve University, at the Ritz-Carlton, St. Thomas, USVI. (*Courtesy CERCA, Case Western University*)

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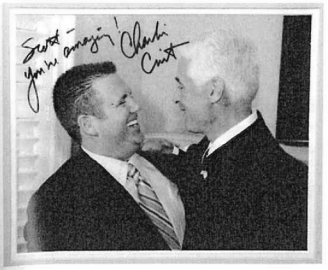

A framed photo of Florida governor Charlie Crist and Scott Rothstein in Rothstein's office in Fort Lauderdale, autographed by Charlie Crist: *Scott—You are amazing! Charlie Crist (Carline Jean © Sun Sentinel / ZUMA-PRESS.com)*

Epstein's current residence, the storied building formerly known as the Herbert N. Straus Mansion, on East 71st Street just off Central Park, was acquired by Leslie Wexner in 1989. *(Laura Hanifin)*

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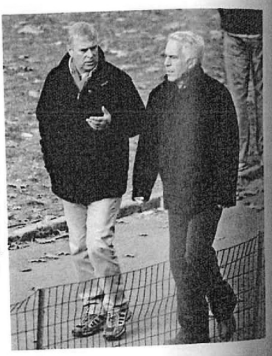
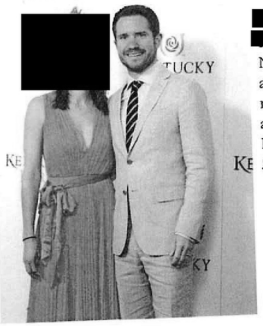


Epstein, a longtime benefactor, with an unidentified friend, attended the 2014 New York Academy of Art's Tribeca Ball, presented by Van Cleef & Arpels, at the New York Academy of Art on April 7, 2014, in New York City. *(Billy Farrell / BFAnyc.com)*

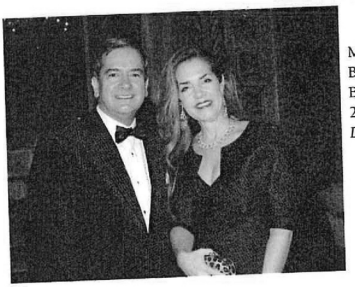
Stephen Hawking, photographed in March 2006 aboard an Atlantis submarine that was custom-fitted by Epstein to accommodate his wheelchair. Hawking was attending the conference "Confronting Gravity," "a workshop to explore fundamental questions in physics and cosmology," sponsored by the J. Epstein VI Foundation and the Center for Education and Research in Cosmology and Astrophysics (CERCA) at Case Western Reserve University, at the Ritz Carlton, St. Thomas, USVI. *(Courtesy CERCA, Case Western University)*

[redacted] photographed at the New York Academy of Art's Tribeca Ball, April 14, 2004 *(Rob Rich / SocietyAllure.com)*

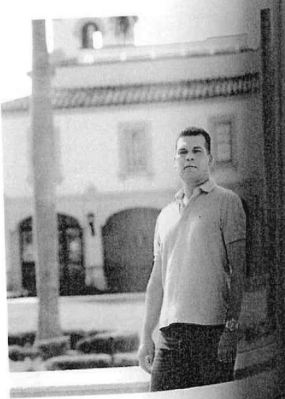


[redacted] and husband, NASCAR driver Brian Vickers, arrive on the red carpet at the 141st running of the Kentucky Derby at Churchill Downs in Louisville, Kentucky. *(Jeff Moreland / Icon Sportswire via AP Images)*

[redacted] and Larry Visoski, Epstein's personal pilot, in what appears to be the cockpit of a Gulfstream G-II *(YouTube)*



Michael and Janet Reiter at the Palm Beach Police Foundation Policemen's Ball at Mar-a-Lago, January 2012 *(Debbie Schatz / Palm Beach Daily News / ZUMAPRESS.com)*



Retired Palm Beach police detective Joe Recarey, November 2013 *(Meghan McCarthy / Palm Beach Daily News / ZUMAPRESS.com)*

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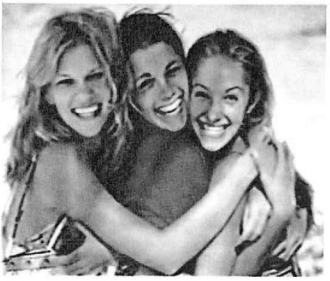

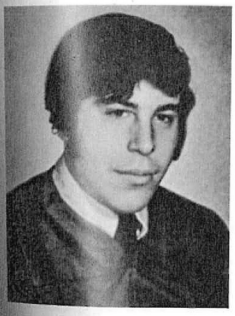

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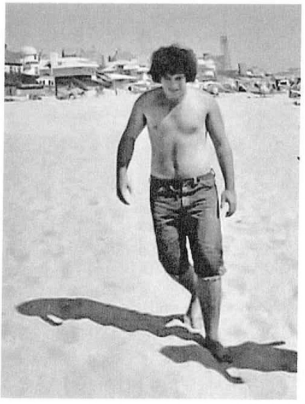

Jeffrey Epstein, Coney Island, circa 1969 (*Anonymous*)

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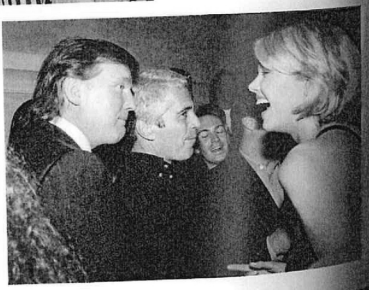
(L to R) Jeffrey Epstein, Ghislaine Maxwell, and Tony Randall, who presided over a November 1991 YIVO Institute event at the Plaza Hotel to honor the late Robert Maxwell *(Marina Garnier)*

(L to R) Deborah Blohm, Jeffrey Epstein, Ghislaine Maxwell, and Gwendolyn Beck attend a reception at Mar-a-Lago, 1995. *(Davidoff Studios)*



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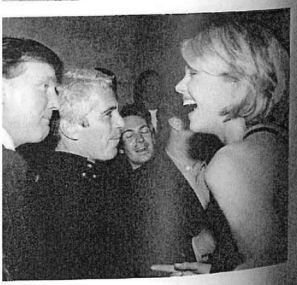
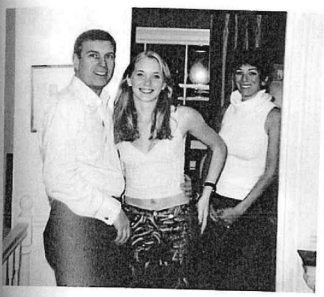


Virginia Roberts, age fifteen; photo reportedly taken by Jeffrey Epstein in New York City *(Virginia Roberts Affidavit, US District Southern Court of Florida)*



(L to R) Prince Andrew, Virginia Roberts, and Ghislaine Maxwell; photo reportedly taken by Epstein with Roberts's camera in Maxwell's London town house. Roberts was seventeen years old at this time. *(Virginia Roberts Affidavit, US District Southern Court of Florida)*

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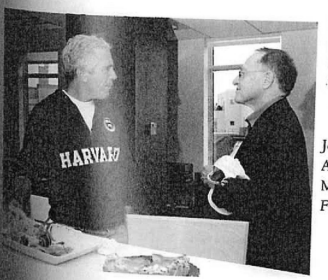
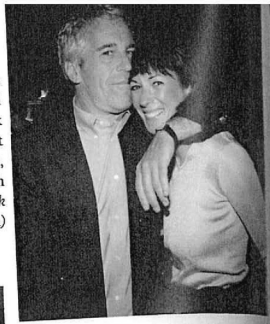


Jeffrey Epstein with Professor Alan Dershowitz in Cambridge, MA, September 8, 2004 *(© Rick Friedman / Corbis)*



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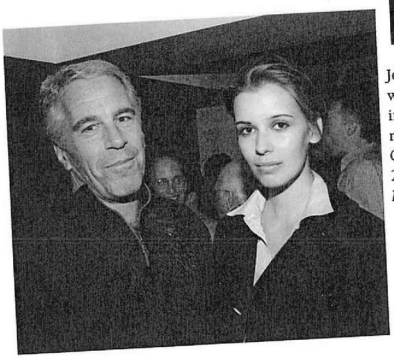

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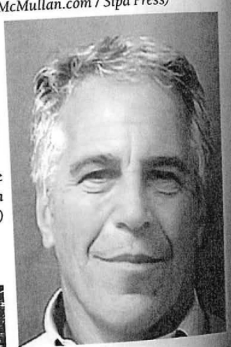

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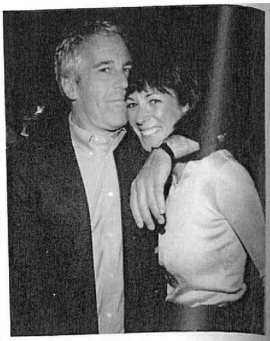

Jeffrey Epstein, photographed with Adrianna Ross, attending the launch of *Radar* magazine held at the Hotel QT in New York City, May 2005 *(Neil Rasmus / Patrick-McMullan.com / Sipa Press)*

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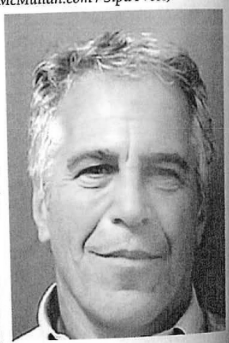
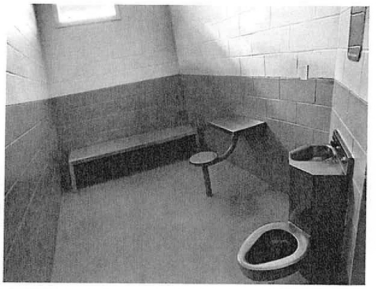
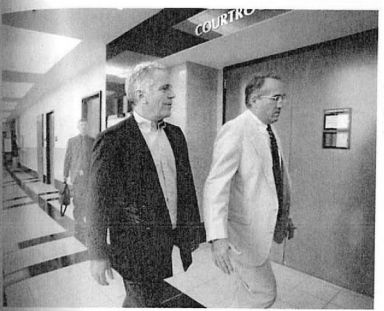


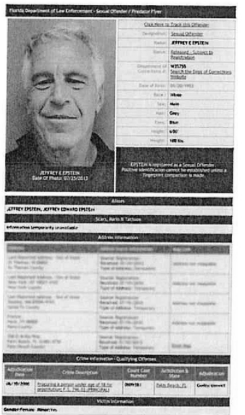
The Stockade, where Epstein served his sentence, photographed here in 2006, was located at 673 Fairgrounds Road in West Palm Beach, Florida. At the time, it was used as a minimum- and medium-security facility housing women and juveniles, as well as male inmates on a work-release program. *(Smith Aerial Photos)*

Epstein pleaded guilty to state solicitation charges and served thirteen months of an eighteen-month sentence, with liberal work-release privileges, in a solitary cell at the Palm Beach County Stockade similar to the one pictured here. *(Courtesy CDC Special Management, Palm Beach Sheriff's Office)*

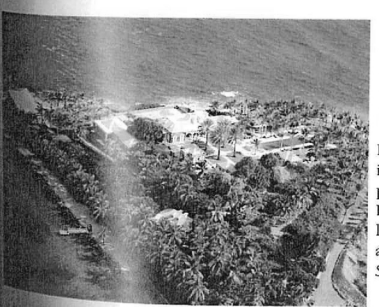




Epstein and lawyer at the West Palm Beach courthouse in June 2008 to enter a plea nearly two years after being charged *(Uma Sanghvi / The Palm Beach Post / ZUMAPRESS.com)*

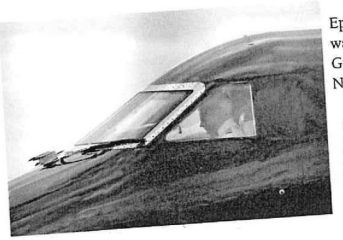


Jeffrey Epstein's entry in the National Sex Offender Registry *(National Sex Offender Registry)*



Epstein's Little Saint James island, U.S. Virgin Islands: a privately owned cay (nicknamed Little Saint Jeff's) whose owner locals affectionately refer to as Richie Rich *(© Chris Bott / Splash News / Corbis)*

Epstein's Gulfstream, photographed on Little Saint James island in the U.S. Virgin Islands, January 2015 (© Chris Bott / Splash News / Corbis)

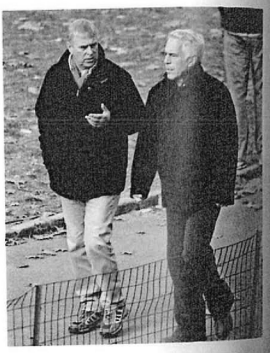


Epstein's longtime pilot, Larry Visoski, was at the controls as Epstein's Gulfstream left Teterboro Airport in New Jersey, January 2016. (Jae Donnelly)

When Prince Andrew and Epstein were seen strolling together through New York's Central Park in 2011, shortly after Epstein's release from jail, the duke was forced to quit his role as the British government's global trade envoy. (Jae Donnelly / News of the World)

Stephen Hawking, photographed in March 2006 aboard an Atlantis submarine that was custom-fitted by Epstein to accommodate his wheelchair. Hawking was attending the conference "Confronting Gravity," "a workshop to explore fundamental questions in physics and cosmology," sponsored by the J. Epstein VI Foundation and the Center for Education and Research in Cosmology and Astrophysics (CERCA) at Case Western Reserve University, at the Ritz-Carlton, St. Thomas, USVI. (Courtesy CERCA, Case Western University)

Epstein's longtime pilot, Larry Visoski, was at the controls as Epstein's Gulfstream left Teterboro Airport in New Jersey, January 2016. *(Jae Donnelly)*



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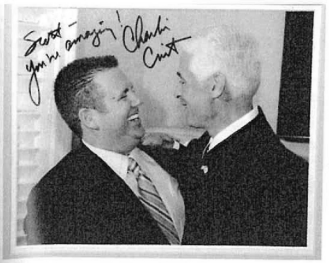
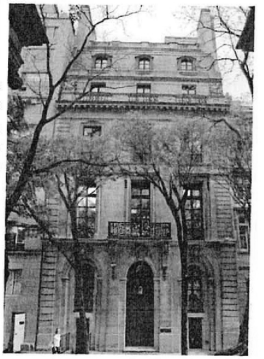
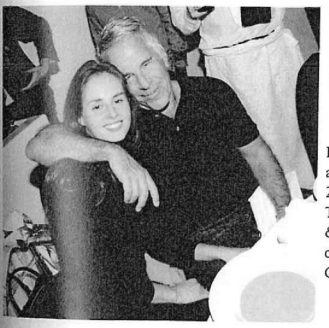
Stephen Hawking, photographed in March 2006 aboard an Atlantis submarine that was custom-fitted by Epstein to accommodate his wheelchair. Hawking was attending the conference "Confronting Gravity," "a workshop to explore fundamental questions in physics and cosmology," sponsored by the J. Epstein VI Foundation and the Center for Education and Research in Cosmology and Astrophysics (CERCA) at Case Western Reserve University, at the Ritz Carlton, St. Thomas, USVI. *(Courtesy CERCA, Case Western University)*



A framed photo of Florida governor Charlie Crist and Scott Rothstein in Rothstein's office in Fort Lauderdale, autographed by Charlie Crist: *Scott—You are amazing! Charlie Crist (Carline Jean © Sun Sentinel / ZUMA-PRESS.com)*

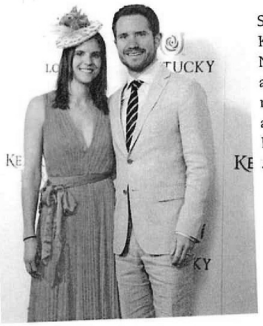


Epstein's current residence, the storied building formerly known as the Herbert N. Straus Mansion, on East 71st Street just off Central Park, was acquired by Leslie Wexner in 1989. *(Laura Hanifin)*



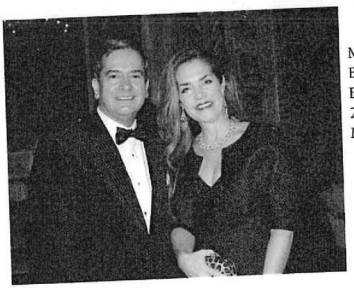
Epstein, a longtime benefactor, with an unidentified friend, attended the 2014 New York Academy of Art's Tribeca Ball, presented by Van Cleef & Arpels, at the New York Academy of Art on April 7, 2014, in New York City. *(Billy Farrell / BFAnyc.com)*

Nadia Marcinkova, Michele Tagliani, Sarah Kellen, and Teala Davies, photographed at the New York Academy of Art's Tribeca Ball, April 14, 2004 *(Rob Rich / SocietyAllure.com)*

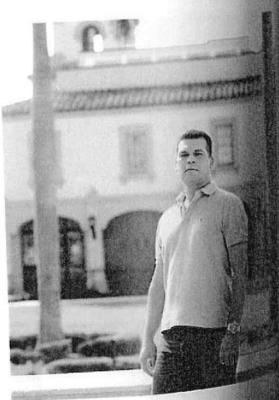


Sarah (formerly Kellen/ Kensington) and husband, NASCAR driver Brian Vickers, arrive on the red carpet at the 141st running of the Kentucky Derby at Churchill Downs in Louisville, Kentucky. *(Jeff Moreland / Icon Sportswire via AP Images)*

Nadia Marcinkova and Larry Visoski, Epstein's personal pilot, in what appears to be the cockpit of a Gulfstream G-II *(YouTube)*



Michael and Janet Reiter at the Palm Beach Police Foundation Policemen's Ball at Mar-a-Lago, January 2012 *(Debbie Schatz / Palm Beach Daily News / ZUMAPRESS.com)*



Retired Palm Beach police detective Joe Recarey, November 2013 *(Meghan McCarthy / Palm Beach Daily News / ZUMAPRESS.com)*

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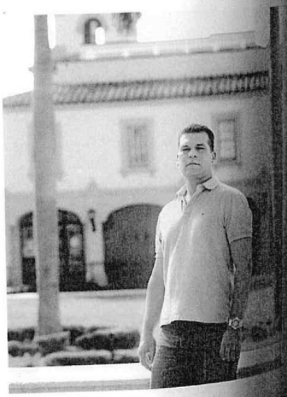
Michael and Janet Reiter at the Palm Beach Police Foundation Policemen's Ball at Mar-a-Lago, January 2012 *(Debbie Schatz / Palm Beach Daily News / ZUMAPRESS.com)*



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guests are like pygmies next to the nearby twice-life-size sculpture of a naked African warrior."

The journalist had confirmed that several prominent names—Mort Zuckerman, the famous real estate mogul and publisher; Microsoft executive Nathan Myhrvold; and Donald Trump among them—had dined at the residence. She'd interviewed several of Epstein's friends and ex-friends: Nobel Prize–winning scientists, financiers who worked with Epstein at Bear Stearns. She'd handled Steven Hoffenberg with aplomb. And, working with *Vanity Fair*'s editors, she'd figured out ways to slip even more information between the lines, in ways that would allow readers to form their own questions about Epstein's finances.

In that respect, she'd fulfilled her original assignment perfectly.

What Carter needed to figure out was what to do with the artist, her sister, and their mother's story. But before he could swipe his key card to let himself into the magazine's offices, Carter saw a man standing in the reception area.

The man was motionless. He'd been waiting for Carter.

It was Jeffrey Epstein. Nonplussed, Carter invited him into his office.

Epstein denied the claims involving underage women. No criminal charges had been filed. And so *Vanity Fair* decided not to include the claims in Ward's article. But, according to Ward, when her editor Doug Stumpf called her, she cried.

She'd worked so hard on the piece, gotten so stressed out that one of her twins had begun to grow more slowly than the other. On doctor's orders, she'd been put on bed rest.

HOUSE_OVERSIGHT_010494

"Why?" she asked when she got to speak to Carter directly.

"He's sensitive about the young women. And we still get to run most of the piece."

In her notebook, Ward wrote down the rest of what Carter had said: "I believe him," he told her. "I'm Canadian."

But the piece that came out, in the March issue, still created a sensation. It was called "The Talented Mr. Epstein" in a sly reference to Patricia Highsmith's celebrated suspense novel *The Talented Mr. Ripley*. The film adaptation, by Anthony Minghella, was still fresh in the minds of *Vanity Fair*'s readers. For Graydon Carter, just posing the question *Is Epstein some sort of scam artist, like Ripley?* had been question enough. And throughout the piece, there were ironies readers wouldn't miss as they drew their own conclusions about Epstein's life story. It came through clearly in the first line of the last paragraph of Ward's 7,500-word story: "Many people comment there is something innocent, almost childlike about Jeffrey Epstein."

In context, the word *innocent* was rather ironic—so much so that it almost became its own opposite.

Todd Meister: June 20

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CHAPTER 39

Todd Meister: June 2015

Harry Cipriani, on Fifth Avenue, is a New York institution. The restaurant began its life as an American outpost of Harry's Bar—which was itself a famous American outpost in Venice. Located inside the Sherry-Netherland hotel, it's a theme restaurant—the theme being money. And today, a hedge-fund manager named Todd Meister is talking about a very wealthy man—Jeffrey Epstein—whom he knows through his father, Epstein's sometime friend Bob Meister.

"I've known Jeffrey since I was nineteen," Meister says. "So let me tell you what I know—whatever everyone knows and everybody else says. First off, he's no billionaire. Second off—and here's why—he has no clue how to invest. He has people do that for him."

Meister knows how to invest. He does it for other people and, as the son of a superrich father, for himself. He also knows about the

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good life. Parties in Vegas; weekends in the Hamptons; affairs with beautiful women that end up getting splashed all over the tabloids.

It makes sense that, once upon a time, he and Epstein would have gotten along.

"As for the girls," Meister says, "that was just business. He'd seat them strategically at client dinners. When he went to the movies, he'd take three or four girls with him. They'd take turns massaging his back, arms, and legs."

According to Meister, Epstein used to boast that he "liked to go into insane asylums because he liked to fuck crazy women."

"Who knows if it's true?" Meister adds. "But I'm telling you, he used to say it."

From time to time, Epstein's friends and acquaintances would see sides of Epstein that he'd grown much less shy about sharing.

Epstein encouraged Alan Dershowitz to invest with a prominent hedge-fund manager named Orin Kramer. Dershowitz did, and he made a lot of money at first. But in 2008, the fund Dershowitz had invested in lost a substantial amount. Afterward, according to a former associate of Epstein's, Epstein appeared in Kramer's midtown Manhattan office. There, sources say, he told Kramer: "It's very much in your interest to make Alan Dershowitz whole."

Epstein's intervention worked, and Dershowitz recovered his money.

To people who'd known Epstein back in the 1980s, this kind of behavior was out of character. But the thing about Epstein was that you never could figure him out. One minute he was charming.

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At Harry Cipriani, the ques

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ı out. One minute he was charming.

The most charming man you'd ever meet. The next he was snarl, threat, and bluster. Something didn't add up. So you'd run the numbers: this many parties, that many women. Even with the connection to Victoria's Secret, the women didn't add up, either.

Throw in the modeling agency, it makes more sense. Then you plug in the parties. The scene brings *Eyes Wide Shut* to mind. But the thing is, *Eyes Wide Shut* only works in the shadows. For Epstein, getting on that plane with Clinton was more like a moment in *Caddyshack*—the one in which the groundhog peeks out from his hole in the golf course. From there on in, Jeffrey Epstein was like the mole in a game of whack-a-mole. It was only a matter of time before he'd be caught. But the question you had to ask yourself was, are people like Epstein born without morals? Or are their morals like snakeskin—just something they shed (along with all the other basic, day-to-day concerns that everyday working people have) as they make their way into that *Eyes Wide Shut* world?

Todd Meister, who was married to Nicky Hilton and stole the heiress Samantha Boardman away from Condé Nast's former editorial director James Truman, should know. He wonders out loud:

"How *does* a yutz like Epstein get beautiful women?"

At Harry Cipriani, the question lingers in the air.

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PART IV

The Investigation

CHAPTER 40

Michael Reiter: January 2006

As far as Michael Reiter's concerned, the case that his team has built against Epstein—slowly, meticulously, over the course of an entire year—is airtight. Even now, Detective Recarey's finding new pieces of evidence. And already Reiter's been laying the groundwork with prosecutors. State attorney Barry Krischer has a reputation for toughness. He's known, nationally, for his prosecution of juvenile offenders. And Reiter's been keeping him abreast of the investigation. With Jeffrey Epstein, it's not simply a matter of seeing him punished. It's a matter of getting a sexual predator off the streets of Palm Beach.

Krischer assures the chief that he's taking this case *very* seriously.

The state attorney's office will have Reiter's back at every turn.

"I told him that we had an investigation that was very serious

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that involved a very noteworthy person and that involved a number of underage females," Reiter would say in his deposition for the suit that was later settled by Epstein. "That it was of a sexual nature. I was concerned that we had not reached all of the victims, and we hadn't, I'm sure, at this point. I told him that I felt like the suspect would probably become aware of the investigation at some point and that we should probably expect some contact from . . . Mr. Epstein's lawyers. And I told him that I wanted to keep him very well informed on this and that I hoped that he would do the same. And that we would have to have more contact in making sure it was handled responsibly, intelligently, and appropriately as it moved forward."

Reiter would say that Epstein's name did not seem to ring a bell with the state attorney. But shortly afterward, the chief became aware that in certain powerful circles his investigation was being looked upon unfavorably. "I had many people-related conversations . . . on the cocktail-party circuit that suggested we approach this in a way that wasn't necessary," he would say.

Michael Reiter was a good cop. A good man. But he was about to discover that when it came to men with the power and influence Epstein wielded, fairness under the law was a relative, malleable concept.

Detective Recarey: Feb

For months, Joe Reca
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CHAPTER 41

Detective Recarey: February 2006

For months, Joe Recarey's been interviewing girls who'd been brought to Epstein's house, subpoenaing telephone and car-rental records, conducting surveillance. Ultimately, according to a source within the Palm Beach PD, the department would identify forty-seven underage girls who'd been molested on El Brillo Way.

Recarey interviewed one of Epstein's pilots, a man named David Rogers, as well as Epstein's houseman, Alfredo Rodriguez. He also spoke to a woman who really *was* a massage therapist.

It turned out that Epstein paid just one hundred dollars for actual Swedish deep-tissue massages that the therapist provided for him and his friends, the lawyer Alan Dershowitz among them.

Did anything untoward ever happen? Recarey asked. Had Epstein ever asked the woman to rub his chest?

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No, she told him. She wasn't Epstein's type. The girls she'd seen at his house were very thin and beautiful and did not have tattoos. This massage therapist had several tattoos that were visible, and on quite a few occasions Epstein and Ghislaine Maxwell had made negative comments about them.

According to a Palm Beach Police Department Incident Report filed by Recarey on July 25, 2006, the detective had also heard from Mary's father, who said that a private eye had been to his house, photographing his family and chasing visitors away.

Mary's dad had gotten the license plate—Florida E79-4EG.

Recarey traced it back to one Ivan Robles of West Palm Beach. Robles turned out to be a licensed private investigator.

Recarey informed the state's attorney's office.

Alison also contacted Recarey and told him that she'd been approached by someone who was in touch with Epstein. Alison had been told that she'd receive money if she would refuse to cooperate with the police.

Those who help him will be compensated, she was told, according to Detective Recarey's incident report. "And those who hurt him will be dealt with."

Recarey reassured the girl and told her that tampering with a witness in a case like this was a serious, arrestable offense.

Then he told an assistant state attorney.

The detective was leaving no *i* undotted and no *t* uncrossed.

But he did wonder if the state attorney's office itself had become part of the problem.

Barry Krischer: April

State attorney Barry
before taking his post
in and around Palm
1992 and 1996, he had run
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CHAPTER 42

Barry Krischer: April 2006

State attorney Barry Krischer was an elected official, but before taking his post, he'd been a lawyer in private practice in and around Palm Beach. Elected twice to his office, in 1992 and 1996, he had run unopposed for state attorney in 2000 and 2004. During the course of his long career, which began in 1970 with a three-year stint in the district attorney's office in Brooklyn, he received a number of awards: the pro bono award from the Legal Aid Society of Palm Beach County for his service with the juvenile justice system and for his work with the child protection team; the Peace at Home award, presented by Governor Jeb Bush, for his work with victims of family violence; a lifetime achievement award from the Florida Bar. He was a board member of the National District Attorneys Association. And he was not necessarily averse to going after the rich and powerful. In 2003, he launched an investigation into Rush Limbaugh's use

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of, and means of obtaining, oxycodone and hydrocodone. (A few years after Limbaugh's arrest, which coincided with Chief Reiter's investigation into Jeffrey Epstein, the talk-show host settled with prosecutors, agreed to submit to random drug testing, and gave up his firearms permit.)

Krischer himself, however, had been accused of sexual misconduct.

In October of 1992, Jodi Bergeron, a legal secretary who'd worked for Krischer, filed a sexual harassment lawsuit against him in the Palm Beach County circuit court. That suit was dismissed, but a few months later, the woman took Krischer to federal court, accusing him of making unwanted advances and demanding recompense for battery, negligence, invasion of privacy, and emotional distress.

Krischer had placed his hands, violently, inside her blouse, the woman said. He'd forcibly fondled her breasts, forcibly kissed her, and rubbed her shoulders while brushing her buttocks with his hands and knees, all while accompanying the gestures with verbal advances.

When she declined those advances, the woman claimed, Krischer fired her.

Krischer denied the allegations. At the time, he was making his first run for the state attorney's office. The charges were politically motivated, he said. Members of a local chapter of NOW—the National Organization for Women—had stood by the lawyer, citing his efforts to stop domestic violence, among his other virtues.

"I am here to support Barry Krischer for the work his office did in my daughter's case," one woman said during a rally that took place in front of the courthouse. "Her murderer received the maximum sentence, a life sentence."

The second lawsuit had also been dismissed—after Krischer's

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Now Chief Reiter and D
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former law firm agreed to pay Bergeron's attorney seven thousand dollars in legal fees.

Now Chief Reiter and Detective Recarey were beginning to have their own questions about Barry Krischer. The Palm Beach PD wanted to charge Epstein with one count of lewd and lascivious behavior and four counts of unlawful sexual activity with a minor—felony charges that would have amounted to years behind bars in the case of a conviction. Wendy Dobbs and Sarah Kellen would be charged as accomplices.

This was not the plan that Krischer seemed to have in mind for Jeffrey Epstein.

In cases involving the sexual abuse of minors, prosecuting attorneys tend to have suspects arrested, then push for a trial. But instead of granting his approval for an arrest, Krischer told the police that he would convene a grand jury, which would be asked to consider a broad range of charges.

In a case such as Epstein's, this was highly unusual. Not damning in and of itself. But very strange. In Florida, grand juries are only *required* in capital cases. At the state attorney's discretion, they may also be called in controversial cases—for instance, cases involving crimes committed by public officials. But Jeffrey Epstein wasn't a public official, and as far as the Palm Beach PD was concerned, the only controversial thing about the case they'd built was that Epstein was rich and well connected. In his deposition for *B.B. vs. Epstein,* Chief Reiter rel ayed Krischer's concerns: the prosecutor had to make sure that his case was solid, beyond a reasonable doubt. And Krischer did have his doubts about the credibility of the young women who'd be called to testify against Epstein.

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Even so, Reiter was beginning to wonder if Krischer was stacking the deck in Epstein's favor—if, thanks to the sway prosecutors have over grand juries, assembling such a jury wasn't an excellent way to let Epstein off with the lightest punishment possible.

Another unusual thing: the way Barry Krischer and the lawyers working for him ignored Chief Reiter's multiple phone calls as well as Detective Recarey's—even though the police had been hearing from Epstein's own lawyers.

"[Krischer] and I had an excellent relationship," Chief Reiter said in his deposition. "I was the speaker at his swearing-in ceremony. And that he wouldn't return my phone calls—I mean, it was clear to me by his actions that he could not objectively look at this case."

In the incident report he ended up writing, Detective Recarey remembered a phone call that he received from Guy Fronstin, one of the lawyers representing Epstein.

It was a message Epstein wanted to send, something central to the case that demanded explanation. The whole shit show swirling around him was just a misunderstanding—a misrepresentation—of Epstein's actual interests and intentions.

Fronstin says Mr. Epstein is very passionate about massages, Detective Recarey would write.

And: *Mr. Epstein had donated over $100,000 to the Ballet of Florida for massages.*

And: *The massages are therapeutic and spiritually sound for him. That is why he has had so many massages.*

Palm Beach Police Depar
by Detective Joseph Reca

On April 13 and April 14, 2
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CHAPTER 43

Palm Beach Police Department Incident Report Filed by Detective Joseph Recarey: July 25, 2006

On April 13 and April 14, 2006, I attempted contact on several occasions with ASA [assistant state attorney Daliah] Weiss and ASA [Lanna] Belohlavek to ascertain when the victims needed to report for Grand Jury testimony. Messages were left on their voicemail. On April 17, 2006, during the hours of 9:00 am and 11:30 am I again left messages for ASA Weiss and ASA Belohlavek for either of them to return my call as I had not heard from the State Attorney's Office as to the time and date of the Grand Jury.

At approximately 12:30 pm, I went to the State Attorney's Office and Located ASA Weiss and ASA Belohlavek in their offices. I entered ASA Belohlavek's office who informed me that she was going to return my call. She explained that an offer was made to the Defense, Atty Guy Fronstin and

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Atty Alan Dershowitz. The offer is 1 count of Agg Assault with intent to commit a felony, five years probation, with adjudication withheld. Epstein would have to submit to psychiatric/sexual evaluation and no unsupervised visits with minors. When asked about all the other victims, ASA Belohlavek stated that was the only offer made as to one victim, [Mary]. ASA Belohlavek['s] cell phone rang and went to voice mail. She checked her voice mail and played the message on speaker. The caller identified himself as Atty Guy Fronstin and acknowledged the deal made between them. Fronstin stated in the message, he spoke with his client, Jeffrey Epstein, and would agree to this deal. Fronstin asked to call off the grand jury as they would accept this deal. Belohlavek stated a probable cause would be needed to book Epstein in the county Jail and would let me know as to when it was needed. I explained my disapproval of the deal and not being consulted prior to the deal being offered. However I expressed that was only my opinion and the final approval would come from the Chief of Police. She explained to have Chief Reiter call Barry Krischer about the deal. I left the area and returned to the police station where I briefed the Chief about the deal offered.

I checked my voice mail messages and discovered a message from [the] stepmother for the victim [Mary]. She was calling because the State Attorney's Office still had not returned any of her calls as to when they are needed for this case. I then called ASA Belohlavek's office and left messages for her to call the victims on this case and explain to them what the State Attorney's Office had done.

Michael Reiter: May 2(

A plea offer?

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Why?

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CHAPTER 44

Michael Reiter: May 2006

A plea offer?

Chief Reiter is *outraged*. His team has logged thousands of hours of work. They've assembled mountains of evidence. But instead of going to trial, the state attorney wants to see Epstein get off with a misdemeanor, five years of probation, and a psych exam.

Why?

Alan Dershowitz has presented the prosecutors with his own pieces of evidence—printouts from the victims' Myspace pages.

In her "About Me" column, under "Best physical feature," Mary has written "Ass and eyes."

Under "Ever drank" and "Ever smoked pot," she's written "Yeah."

Under "Ever shoplifted": "Lots."

Under "Ever skinny dipped": "Yeah."

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Under "[Do] you wanna lose your virginity": "I already lost it."

One of the victims has been caught with drugs and arrested. She's also been caught stealing from Victoria's Secret. From the state attorney's perspective, these girls look like compromised women. And if what they say about Epstein is true, wouldn't that make them prostitutes?

As witnesses, they would be weak, while the lawyers on Epstein's side were exceptionally strong.

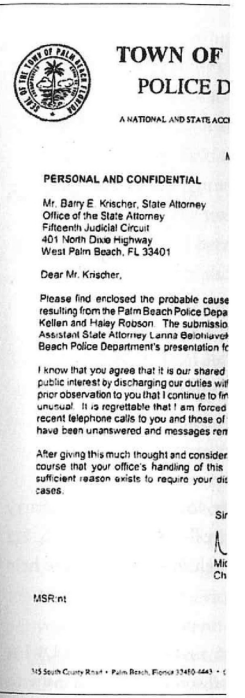
Alan Dershowitz had represented Claus von Bülow, the British socialite who was acquitted of the murder of his wife, Sunny. Dershowitz had been on O. J. Simpson's team when the former football star was acquitted of the murders of his ex-wife, Nicole Brown Simpson and Nicole's friend Ronald Lyle Goldman. And rich as von Bülow and Simpson had been, neither one had had the resources that Epstein was willing and able to deploy in his own defense.

Neither of them had been intimate friends with his lawyer.

As far as Reiter was concerned, none of that mattered. Even if Epstein thought that the girls he'd molested were eighteen years old—even if they had *lied* to him—it didn't matter under Florida law. The chief grew worried that in Epstein's case exceptions were being made, and he grew even more concerned with each unreturned call that he made to the state attorney's office.

On May 1, the Palm Beach PD asked the state attorney's office to issue an arrest warrant for Jeffrey Epstein.

That same day, Chief Reiter took the extraordinary step of writing Barry Krischer a letter all but demanding that he recuse himself from the case.



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PERSONAL AND CONFIDENTIAL

Mr. Barry E. Krischer, State Attorney
Office of the State Attorney
Fifteenth Judicial Circuit
401 North Dixie Highway
West Palm Beach, FL 33401

Dear Mr. Krischer,

Please find enclosed the probable cause
resulting from the Palm Beach Police Depa
Kellen and Haley Robson. The submissio
Assistant State Attorney Lanna Belohlave
Beach Police Department's presentation fo

I know that you agree that it is our shared
public interest by discharging our duties wit
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After giving this much thought and consider
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TOWN OF PALM BEACH
POLICE DEPARTMENT

A NATIONAL AND STATE ACCREDITED LAW ENFORCEMENT AGENCY

May 1, 2006

PERSONAL AND CONFIDENTIAL

Mr. Barry E. Krischer, State Attorney
Office of the State Attorney
Fifteenth Judicial Circuit
401 North Dixie Highway
West Palm Beach, FL 33401

Dear Mr. Krischer,

Please find enclosed the probable cause affidavits and case filing packages thus far resulting from the Palm Beach Police Department's investigation of Jeffrey Epstein, Sarah Kellen and Haley Robson. The submission of these documents are both in response to Assistant State Attorney Lanna Belohlavek's request for them and to serve as the Palm Beach Police Department's presentation for prosecution.

I know that you agree that it is our shared responsibility to seek justice and to serve the public interest by discharging our duties with fairness and accountability. I must renew my prior observation to you that I continue to find your office's treatment of these cases highly unusual. It is regrettable that I am forced to communicate in this manner but my most recent telephone calls to you and those of the lead detective to your assigned attorneys have been unanswered and messages remain unreturned.

After giving this much thought and consideration, I must urge you to examine the unusual course that your office's handling of this matter has taken and consider if good and sufficient reason exists to require your disqualification from the prosecution of these cases.

Sincerely,

Michael S. Reiter
Chief of Police

MSR:nt

345 South County Road • Palm Beach, Florida 33480-4443 • (561) 838-5460 • Fax (561) 838-4700 • www.palmbeachpolice.com

CHAPTER 45

Videotaped Deposition of Michael Reiter in B.B. vs. Epstein, *a civil lawsuit against Jeffrey Epstein: November 23, 2009*

Q: At some point you sent a letter to state attorney Barry Krischer. Let me show you what we'll mark as exhibit 3. Let me give you a chance to read through this letter again to help refresh your recollection.

A: I've read it.

Q: At this point, in May of 2006, I'm assuming based on what you told us before that you had had some conversations with Barry Krischer directly . . . by phone—correct?—prior to this letter.

A: I had conversations in person and by phone.

Q: Okay. But nonetheless in May—May 1, 2006—you felt the need to write this letter; is that correct?

A: Yes.

Q: Can you tell us why?

A: Well, I felt the handling–
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CHAPTER 45

Michael Reiter in B.B. vs. *ainst Jeffrey Epstein:*

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ı May—May 1, 2006—you felt the
is that correct?

Q: Can you tell us why?

A: Well, I felt the handling—and just continued to feel that the way the state attorney's office handled this case was extremely unusual. I knew that Mr. Krischer was making decisions about this case. I felt that his objectivity was lacking, and I felt that the appropriate way, after reading the statute that governed the assignment of cases to other circuits—I felt that his action met the standard. I used some of the words from the statute in here. And I attempted to call him, and he wouldn't return my phone calls.

The detective attempted to contact—his contact in the state attorney's office, Lanna Belohlavek, however you pronounce that...and she wouldn't return his calls. So I wrote the letter in hope that he would think about his situation and realize that his objectivity was insufficient to prosecute the case and ask the governor to appoint someone else. And I felt like that was necessary for a fair prosecution of our case that had been submitted to him.

Q: Could you tell us, explain to us, why you felt that his objectivity may be lacking in regards to this prosecution...? In other words, what evidence did you see here, uncover, that you felt made it potentially nonobjective?

A: Well...when I first told him about the case, and I realized that it was a serious case, [that] there were multiple victims, [and] that the suspect was very well known, I told him about it. And we were—it was in person. I talked to him after a meeting that he and I were both involved in. And I had known him to be a victim advocate and to protect the rights of children. Well, I know that he even wrote a portion of the statute that addresses those issues. And when I told him

HOUSE_OVERSIGHT_010514

originally, he said, "Let's go for it; this is an adult male in his fifties who's had sexual contact with children of the ages of the victims." He said this is somebody who we have to stop. And whatever we need, he said, in the state attorney's office, we have a unit that's equipped to investigate and prosecute these kinds of cases. And I didn't have too many facts early on when I talked with him, but I knew that there were multiple victims and to our detectives they were believable. So when time went on and Mr. Epstein became aware of the investigation and his lawyers contacted the state attorney's office, they told me that.

And from that point on, and I believe it was Mr. Dershowitz initially, the tone and tenor of the discussions of this case with Mr. Krischer changed completely. [At] one point he suggested that we write [Epstein] a notice to appear, which would be for a misdemeanor. He just completely changed from not only our first conversation about this[—when] he didn't know the name Jeffrey Epstein—till when he had been informed on Mr. Epstein's reputation and his wealth, and I just thought that very unusual.

I feel like I know him or knew him very well, the state attorney, and I just felt like he could not objectively make decisions about this case: that is why I wrote it.

Detective Recarey: May

Chief Reiter's letter to tl
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CHAPTER 46

Detective Recarey: May 2006

Chief Reiter's letter to the state attorney had no perceptible effect.

Krischer did not recuse himself from the case. No arrest warrant was issued. And on the afternoon of May 3, Detective Recarey received a telephone call from assistant state attorney Daliah Weiss, who advised him that she had been taken off the Epstein case.

Weiss had been the perfect person to prosecute Epstein. As a member of the special victims unit, she focused on sex crimes and crimes against children, prosecuting high-profile cases involving rape, aggravated child abuse, and neglect. But Epstein had added another lawyer, a man named Jack Goldberger, and made Goldberger his attorney of record.

Goldberger was friendly with Barry Krischer—and an associate of Goldberger's was married to Daliah Weiss.

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If Epstein's legal team had wanted to remove Weiss from the case, this would have been a good way to do it.

Nine days later, Detective Recarey met with ASA Lanna Belohlavek, who told him that her boss, Barry Krischer, had asked her again to take the case to the grand jury. Recarey told Belohlavek that he had already requested arrest warrants for Epstein, Sarah Kellen, and Wendy Dobbs. The Palm Beach PD had finished its investigation months earlier, he said, and had been waiting since then for the case to move forward. He asked her once more to issue the warrants. Once again Belohlavek declined, saying that the original offer her office had made to Epstein's old lawyer had been resubmitted to the new lawyer. When Epstein's reply came, she would call.

While waiting for that call, Recarey received several calls from Mary's father, who told him that he was being followed by a green Chevrolet Monte Carlo—tailed so aggressively that other vehicles were being run off the road. Recarey ran the plates and found that the Chevy was registered to one Zachary Bechard of Jupiter, Florida.

Bechard was a licensed private eye.

"A funny thing happened in Palm Beach," says Tim Malloy, who was working as a TV newscaster in South Florida at the time.

"This would have been right around the time that Michael Reiter sent his letter asking Barry Krischer to recuse himself from the case. I didn't even know what Epstein looked like, really, at the time. We had pictures taken by the British tabloids, where the link to Prince Andrew first broke. But we didn't have too many of them. What we *did* have was a contact in the hangar where Epstein kept his 727.

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that was waiting for him.

"Then he saw our helicopter

"I was doing a live voice-ov
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"I don't know how much you know about Palm Beach International Airport. It's the kind of place that has private hangars, valet parking, and waiting lounges that look as chic as anything you'll see in Manhattan. It's an airport for the rich, basically. Saudi princes, heads of state. Powerful men who value their privacy. You can bring limousines onto the tarmac. And we found out Epstein was very secretive about his dealings there. He didn't want anyone to know the tail numbers on his planes.

"But our contact didn't like Epstein. And he was horrified by how young the girls around Epstein were. So thanks to him, we had the 727's tail number, and thanks to one other source—someone I won't say too much about here—we had Epstein's flight plan for a certain trip he was making. We knew he was going to land at the airport. And so our producer climbed into the station's traffic helicopter and told the pilot to hover at five hundred feet a quarter mile south of the field.

"Our cameraman had a telephoto lens. The idea was to get a tight shot, on video, of Epstein deplaning. And for a moment we *did* get the shot: Epstein, with the collar of his cashmere coat flipped up over his neck, about to run down the steps into a cart that was waiting for him.

"Then he saw our helicopter, with the station's markings.

"I was doing a live voice-over on Epstein's arrival. It was the first video anyone had on him up to that point. But Epstein had *run* back onto the plane. Then, during the next commercial break, my producer told me through my headpiece: 'Jeffrey Epstein wants us to stop taking his picture. In fact, he wants to talk to you.'

"The cameraman kept rolling. And eventually Epstein got out, got into a car with tinted windows, and was driven over the

HOUSE_OVERSIGHT_010518

bridge to his home in Palm Beach. So in a sense we failed to get the story. But the fact that Epstein would call a news program from his plane and command them to order the program's traffic helicopter away—that says something about the man's arrogance. And maybe his temper."

Mary: July 2006

On June 29, assistant s
Detective Recarey th
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convened for July 19.

On July 12, Recarey spok
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CHAPTER 47

Mary: July 2006

On June 29, assistant state attorney Lanna Belohlavek told Detective Recarey that despite his protestations, the case would be going to a grand jury after all. One had been convened for July 19.

On July 12, Recarey spoke with Mary's stepmother, who said that she still hadn't heard from the state attorney's office. This, too, was odd, since Recarey knew that Mary would be called upon to testify.

She was back in Palm Beach now, after months of living with out-of-state relatives.

All in all, it had been a very tough year for Mary.

"What has happened to my daughter's life is criminal," her father would say.

Mary had been sent to a school for troubled children. For her it was the wrong place at the worst time in her life. She had

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gotten into more fights there, growing depressed and withdrawn from her sister and parents. Helplessly, her parents watched her spiral out of control. As they neared the end of their rope, they sent her out of state. But after the move, Mary had fallen apart completely. She used drugs, fell in with a bad crowd, ran away from her relatives, and shacked up with a gang of drug dealers.

When the gang was busted by local police, the dealers blamed Mary for snitching and put out the word that they wanted her dead.

"We had to move her again," Mary's father explained. "We finally got her into therapy—she's still seeing the therapist. And worst of all, she developed HPV. She's already had to have a serious operation."

Mary's troubles didn't end there. On June 28, she was brought in front of the grand jury. She hadn't been briefed by the state attorney—she hadn't even *met* the prosecutors—and she had no idea what she would be asked.

Almost immediately, she found that she was being treated more like a criminal than like a witness or victim.

"The prosecutor produced a printout of our daughter's Myspace page," Mary's father recalls. "Mary was stunned. She began to cry. The prosecutor accused her of all sort of things; it was like she was *working* for Epstein.

"All this time, we knew that we were being watched. Creepy guys. Private investigators from Miami. They would follow us, scaring the hell out of my wife and Mary's sister. My car was vandalized. It was like living in hell."

By this point, Epstein's defense dream team included Jack Goldberger, Alan Dershowitz, and Gerald Lefcourt. All of them had excellent track records. Dershowitz and Lefcourt were two

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of America's most famous lawyers, and before long, another celebrity lawyer—Ken Starr, the former solicitor general who had had Bill Clinton impeached for perjury—would join Epstein's team.

As far as Mary's parents were concerned, their daughter had walked into an ambush. *Everyone* in the courtroom seemed to be playing defense on the side of Jeffrey Epstein. And as for the second girl—Alison, who claimed that she had been raped—she never testified in court at all.

HOUSE_OVERSIGHT_010522

CHAPTER 48

Michael Reiter: July 2006

On July 28, the grand jury reached a verdict that floored the Palm Beach PD.

The original plea deal that Krischer had offered to Epstein had been bad enough. Now the grand jury was recommending that Epstein be charged with just one felony count of solicitation of prostitution.

There was no mention of underage girls. The original accusation—four felony counts of unlawful sex acts with minors and one felony count of lewd and lascivious molestation—had simply evaporated.

It wasn't enough to send Epstein to prison.

Epstein was allowed to surrender on a Sunday, when no one would know he'd been arraigned. A few hours later, he was released on three thousand dollars bail.

The Palm Beach PD was not even notified.

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Once again, Chief Reiter was outraged. So much so that he took the extraordinary step of calling the FBI and the federal prosecutor's office.

At the time, the federal prosecutor of the Southern District of Florida was a Republican named R. Alexander Acosta. Chief Reiter recalls being present at Acosta's swearing-in ceremony and remembers Acosta's declaration that one of his goals would be the prosecution, to the fullest extent of the law, of anyone who takes advantage of the weak—especially perpetrators of sex crimes. Disgusted with Krischer's laissez-faire attitude, Reiter recalls thinking he'd found his man.

In Acosta, the chief saw a prosecutor who wouldn't shy away from confronting a man with Jeffrey Epstein's resources and connections.

But it turned out that Acosta had worked under Ken Starr at Starr's high-powered multinational law firm, Kirkland & Ellis. And while Acosta had a sterling résumé, which included a stint clerking for future Supreme Court justice Samuel Alito, he had only argued two cases before a judge.

At the time, Reiter did not know this. All he knew was that someone had to look much more seriously into Jeffrey Epstein's crimes.

Reiter's actions did not necessarily make him a hero—at least, not in *every* corner of the community he served.

"I had individuals suggest that the department's approach to the investigation and my referral of the investigation to the FBI was more horsepower than the investigation deserved. And I had other individuals suggest that—yeah, the term 'back off' probably fits," Reiter said in his deposition for *B.B. vs. Epstein*.

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"I had people in the community in Palm Beach who either made comments directly to me or to others who relayed them to me that I didn't need to take the tack in the investigation that we did, which is [to] completely investigate it and then refer it to the FBI after the state case was resolved," Reiter said in the deposition. "I had one individual who came to see me a couple of times about this."

According to the chief, the individual in question was a prominent Palm Beach politician.

"He said this wasn't necessary; this was a case that was really very minor," Reiter recalled. "The victims had lifestyles that don't make them—shouldn't make them believable to the police department."

"I told him that those kinds of suggestions to me were improper and he should stop," said Reiter. "That he had taken a couple of steps down the road toward something that could eventually constitute a crime. We talked several times. Early on it didn't end favorably. You know, this is an individual [whom] I had to interact with in my official capacity and in his official capacity as well."

The Palm Beach politician wasn't the only one to pressure the police chief. "I received comments from a variety of different viewpoints . . . in some cases I had people tell me, hey, he's a Palm Beacher, why are you investigating a Palm Beacher?" Reiter would say when deposed. "I had people that said it was an unfavorable career move for me to ask the state attorney to remove himself from the case and to refer it to the FBI. . . . I had plenty of people that told me that that was a mistake."

Reiter didn't back off. To have done so would have been a betrayal—not only of the victims but also of his vocation and the community he had sworn he would serve.

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"My responsibility was to protect everyone that lives in Palm Beach and preserve their constitutional rights and be the police department for all," Reiter said. "And I think that under the law, particularly under the criminal laws, that all people have to, by the nature of our system, be treated exactly alike."

But along with handing the case off to the FBI and the US attorney, Reiter took another unusual step. He wrote personal letters—on Palm Beach PD letterhead—to the parents of the victims in the case.

He delivered the letters by hand.

HOUSE_OVERSIGHT_010526

TOWN OF PALM BEACH
POLICE DEPARTMENT

A NATIONAL AND STATE ACCREDITED LAW ENFORCEMENT AGENCY

July 24, 2006

HAND DELIVERED

[redacted]

Dear Mr [redacted]

Your daughter [redacted] was the victim of a crime which has been investigated by the Palm Beach Police Department and subsequently referred for prosecution to the Palm Beach County State Attorney's Office. You may be aware that Jeffrey Epstein was indicted on charges of solicitation for prostitution by a State of Florida grand jury last week and turned himself in at the Palm Beach County jail on July 23, 2006. While I do not speak for them, it is my understanding that is the full context in which the Palm Beach County State Attorney's Office intends to address the charges that involved the crime in which your daughter was victim.

Please know that it is the role and responsibility of law enforcement to investigate crime and to refer appropriate charges to the prosecutor for consideration. I believe that the Palm Beach Police Department has acted competently and responsibly in carrying out this role. Should you have any questions concerning the state prosecution of this matter, they are best addressed by the Palm Beach County State Attorney's Office.

I do not feel that justice has been sufficiently served by the indictment that has been issued. Therefore, please know that his matter has been referred to the Federal Bureau of Investigation to determine if violations of federal law have occurred. In the event that the FBI should choose to pursue this matter, the Palm Beach Police Department will assist them in their investigation of potential violations of federal law.

Please feel free to contact me at (561) 838-5460 should you have any questions.

Sincerely,

Michael S. Reiter
Chief of Police

MSR:nt

751 South County Road • Palm Beach, Florida 33480-4413 • (561) 838-5460 • Fax (561) 833-4700 • www.palmbeachpolice.com

Jeffrey Epstein: Septem

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CHAPTER 49

Jeffrey Epstein: September 2007

In the winter of 2013, Scott Blake, a forty-seven-year-old middle school principal from Palm Beach Gardens, Florida, would be sentenced to the minimum mandatory sentence—ten years in prison, with ten years of probation on top—for pleading guilty to one charge of soliciting sex with a minor.

Blake's crime? He sent sexually charged messages to a Boynton Beach police officer who was pretending to be a fifteen-year-old boy. But in a sense, Blake was lucky: he could have been sentenced to life. The case was an interesting example of the kind of treatment regular Florida folks could expect just for *soliciting* sex with a minor. But nothing about Jeffrey Epstein was regular—and the plea deal he managed to strike in 2007 was simply *extraordinary*.

Epstein had bought himself one of the best defense teams ever assembled. His connections and contributions to Democratic

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causes had made him a player on that side of the political aisle. He had a famous Republican, Bill Clinton's nemesis, Ken Starr, working the other side. And just to make sure they'd covered the bases, Epstein's team also recruited Roy Black—the lawyer who'd cleared William Kennedy Smith of rape and kept Rush Limbaugh out of prison for his alleged illegal drug use—and Jay Lefkowitz, a defense attorney who'd worked with US attorney R. Alexander Acosta at Ken Starr's law firm.

And so in September, the US attorney's office reached a formal agreement with Epstein's team: the United States would defer federal prosecution in favor of prosecution by the state of Florida.

A non-prosecution agreement (NPA) was drafted; among other things, it assured Epstein that he would not be prosecuted in the Southern District of Florida for felony offenses involving the sexual abuse of underage girls. (By that point, thirty known victims had been discovered.) Instead it allowed him to plead guilty to state felony offenses for solicitation of prostitution and the procurement of minors for prostitution. The NPA established a procedure that allowed Epstein's victims to sue him in civil court and took the extraordinary step of ensuring that "any potential co-conspirators" of Epstein's would be immune from prosecution.

"In consideration of Epstein's agreement to plead guilty and to provide compensation in the manner described above, if Epstein successfully fulfills all of the terms and conditions of this agreement, the United States also agrees that it will not institute any criminal charges against any potential co-conspirators of Epstein," the agreement stated, mentioning Sarah Kellen and Nadia Marcinkova by name.

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"The parties anticipate that this agreement will not be made part of any public record," the document concludes. "If the United States receives a Freedom of Information Act request or any compulsory process commanding the disclosure of the agreement, it will provide notice to Epstein before making that disclosure."

Remarkably, despite assurances they'd received from the feds, none of the victims was consulted prior to the drafting of this NPA.

If Epstein did not sign the agreement, he faced a fifty-seven-count indictment and a decade or more in prison. But Epstein's team of lawyers had gotten him a deal so sweet it could have rotted all the teeth in South Florida.

For all his protestations of innocence, there was every reason in the world to agree to an NPA.

On September 24, 2007, Epstein did sign it.

Once again, none of the victims had been consulted or notified.

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CHAPTER 50

Jane Doe: February 2008

As a result of the non-prosecution agreement, a fifty-three-count indictment that federal prosecutors had prepared against Jeffrey Epstein—one that claimed he'd abused dozens of underage women—never was filed.

But as far as lawyers representing Epstein's victims were concerned, the fact that those victims were not consulted about the non-prosecution agreement was inexcusable. The "government deliberately kept crime victims 'in the dark' so that it could enter into a plea arrangement designed to prevent the victims from raising any objections," they would argue, in documents filed on February 10, 2016. For nine months, the lawyers claimed, from the time that the NPA was signed, on September 24, 2007, Krischer's office, "doing Epstein's bidding, [had] concealed the NPA's existence from victim[s]" and continued to do so until the

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CHAPTER 50

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moment that Epstein had to plead guilty in court, which he finally did June 30, 2008.

In the interim, according to their lawyers, Epstein's victims were only told, "This case is currently under investigation."

A lawsuit that Bradley Edwards, a victims' rights attorney in Fort Lauderdale, filed in July of 2008 cited the Crime Victims' Rights Act, or CVRA (title 18, section 3771, of the US Code), which states that "victims of federal crimes have rights, including the right to be heard in court, and most particularly, not to be precluded from court proceedings, and the right to be treated fairly."

According to him, prosecutors had violated the CVRA rights of the victims. Edwards, who said he was working pro bono, knew that this suit against the government would not allow for monetary recovery of any sort (including lawyers' fees). But he also knew that if the government, urged by Jeffrey Epstein, had entered into a contract that improperly or illegally violated the rights of Epstein's victims, then that contract, by nature, would have been improper in and of itself—in which case, the only remedy would have been to have the contract invalidated. And while it is difficult to know what, exactly, would happen if the contract *is* overturned, one possibility is that the government could prosecute Epstein for crimes against his victims, if the statute of limitations on those crimes has not expired.

At the time of this writing, that case is winding its way through the courts. It has all the earmarks of a modern-day *Bleak House*—the Charles Dickens novel about a legal case that is so massive and so complex that it drags on forever and drags everyone involved into the mire.

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* * *

In the meantime, Epstein began to settle out of court with his victims.

In February of 2008, a Virginia woman who went by the alias Jane Doe #2 brought a fifty-million-dollar lawsuit against Epstein.

At the time of their meeting, she claimed, Epstein was fifty-two years old. She was a teenager, and her complaint, which was made public, gave the rest of the world an early glimpse of what Epstein, and the inner workings of his secret world, looked like from a victim's perspective.

"Epstein is a financier and money manager with a secret clientele limited exclusively to billionaires," the lawsuit alleged. "He is himself a man of tremendous wealth, power and influence. He maintains his principal home in New York and also owns residences in New Mexico, St. Thomas and Palm Beach, FL. The allegations herein concern Epstein's conduct while at his lavish estate in Palm Beach." The complaint continued:

> *Upon information and belief, Epstein has a sexual preference and obsession for underage minor girls. He engaged in a plan and scheme in which he gained access to primarily economically disadvantaged minor girls in his home, sexually assaulted these girls, and then gave them money. In or about 2004–2005, Jane Doe, then approximately 16 years old, fell into Epstein's trap and became one of his victims.*
>
> *Upon information and belief, Jeffrey Epstein carried out his schemes and assaulted girls in Florida, New York, and on his private Island, known as Little St. James, in St. Thomas.*
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> *Epstein's scheme involved the use of young girls to recruit*

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underage girls. (Upon information and belief, the young girl who brought Jane Doe to Epstein was herself a minor victim of Epstein, and will therefore not be named in this Complaint.) Under Epstein's plan, underage girls were recruited ostensibly to give a wealthy man a massage for monetary compensation in his Palm Beach mansion. The recruiter would be contacted when Epstein was planning to be at his Palm Beach residence or soon after he had arrived there. Epstein or someone on his behalf would direct the recruiter to bring one or more underage girls to the residence. The recruiter, upon information and belief, generally sought out economically disadvantaged underaged girls from western Palm Beach County who would be enticed by the money being offered—generally $200 to $300 per "massage" session—and who were perceived as less likely to complain to authorities or have credibility if allegations of improper conduct were made. This was an important element of Epstein's plan.

Epstein's plan reflected a particular pattern and method. Upon arrival at Epstein's mansion, the underaged victim would be introduced to Sarah Kellen, Epstein's assistant, who gathered the girl's personal information, including her name and telephone number. Ms. Kellen would then bring the girl up a flight of stairs to a bedroom that contained a massage table in addition to other furnishings. There were photographs of nude women lining the stairway hall and in the bedroom. The girl would then find herself alone in the room with Epstein, who would be wearing only a towel. He would then remove his towel and lie naked on the massage table, and direct the girl to remove her clothes. Epstein would then

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perform one or more lewd, lascivious and sexual acts, including masturbation and touching the girl's vagina.

Consistent with the foregoing plan and scheme, Jane Doe was recruited to give Epstein a massage for monetary compensation. Jane was brought to Epstein's mansion in Palm Beach. Once at the mansion, Jane was introduced to Sarah Kellen, who led her up the flight of stairs to the room with the massage table. In this room, Epstein told Jane to take off her clothes and give him a massage. Jane kept her panties and bra on and complied with Epstein's instructions. Epstein wore only a towel around his waste [sic]. After a short period of time, Epstein removed the towel and rolled over exposing his penis. Epstein began to masturbate and he sexually assaulted Jane.

After Epstein had completed the assault, Jane was then able to get dressed, leave the room and go back down the stairs. Jane was paid $200 by Epstein. The young girl who recruited Jane was paid $100 by Epstein for bringing Jane to him.

As a result of this encounter with Epstein, Jane experienced confusion, shame, humiliation and embarrassment, and has suffered severe psychological and emotional injuries.

Jeffrey Epstein: June 30, 2

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CHAPTER 51

Jeffrey Epstein: June 30, 2008

On June 30, 2008, more than three years after the start of Officer Pagan's investigation into his dealings with underage girls, Jeffrey Epstein reported to the Palm Beach County jail.

A few days earlier, Epstein had taken a phone call from the *New York Times*. At the time, he'd been working, or vacationing (the line having long since blurred), at his compound on Little Saint Jeff's.

"I respect the legal process," Epstein had said. "I will abide by this."

He'd spent years fighting the charges—fighting the state, then the federal government, in an effort to avoid a sentence that would have seen him emerge from prison an old man. But the battle had aged him. *Mellowed* him, even. Months earlier, he had all but boasted to a journalist from *New York* magazine.

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"It's the Icarus story, someone who flies too close to the sun," that journalist said in reference to "the agony" of Epstein's legal "ordeal."

"Did Icarus like massages?" Epstein responded.

But after Epstein's indictment, there were no more boasts. For the most part, he kept silent in public and retreated into his *Eyes Wide Shut* world. And when the *New York Times* did manage to get him to speak on the record, he spoke like a chastened man.

Sitting on his patio down on Little St. James, Epstein likened himself to the shipwrecked Gulliver after he washes ashore on Lilliput.

"Gulliver's playfulness had unintended consequences," he said.

On the eve of his departure, he had a few more things to say:

"That is what happens with wealth. There are unexpected burdens as well as benefits. . . ."

"Your body can be confined, but not your mind. . . ."

"I am not blameless. . . ."

Outside of the agreement he'd signed with the prosecutor's office, this was the closest Epstein had come to admitting his guilt. But strange details were sprinkled throughout the story. He had formed a "board of directors of friends" who would counsel him on his behavior. And, seemingly for the first time, he'd hired a full-time masseur—a man.

Readers of the *New York Times* might have wondered: Epstein was going to jail for eighteen months. What need would he have for a full-time masseur?

The story's last line hinted at the answer: in preparation for incarceration, Epstein had set up an e-mail alert.

From then on, his automatic reply would read "On vacation."

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reply would read "On vacation."

PART V

Incarceration

HOUSE_OVERSIGHT_010538

CHAPTER 52

Jeffrey Epstein: June 30, 2008

The Palm Beach County Main Detention Center is on the west side of Lake Worth Lagoon, which separates West Palm Beach from the island of Palm Beach. Epstein's home on El Brillo Way is five miles to the east. Mary's high school is several miles to the west.

It's fitting, somehow, that this jail—which is the jail Epstein ends up in, after turning himself in to the local sheriff—lies in between the two points.

The detention center's inmates, their families, and their lawyers call it the Gun Club, a reference not only to the jail's address, on Gun Club Road, but also to its population of hustlers, burglars, drug dealers, rapists, and murderers. There's the occasional hooker as well. And, from time to time, Haitian refugees are lodged there.

There are three thousand inmates in all.

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Some wait a year before making their way to the courthouse, their date with the public defender, and an appearance before the judge. Some get out much sooner, if only they can make bail. But there's no bail without money—or at least collateral—and, of course, being without money is often what lands people in jail in the first place.

Jeffrey Epstein could have posted bail for every single inmate in the Gun Club.

But that's just one of the ways in which Epstein is unlike his fellow inmates. He's an admitted pedophile now. Even a famous one.

And, famously, pedophiles tend to fare poorly in jail.

Luckily for Epstein, Ric Bradshaw, the sheriff in charge of local jails, transfers Epstein to the infirmary, where he spends exactly one night before being transferred seven miles up the road to a much smaller, safer location: the Palm Beach County *Central* Detention Center—or, as it's known, the Stockade.

"It's not somewhere we'd put a serial killer," Ric Bradshaw says.

Most of the residents here are addicts who take part in drug education programs, prostitutes, petty criminals, and drunks. It's a far safer place for Epstein to be, and, unlike other inmates (except, of course, those being held in solitary), he'll end up with his own cell, even his own wing, which he has to himself. Epstein's allowed to pay for a security guard, who sits outside the cell and keeps watch. And he's allowed any number of visitors.

For a convicted felon, it's an extraordinary benefits package.

But according to Sheriff Bradshaw, who also oversees the Stockade, Epstein is incredulous over the treatment he is receiving.

"He was astonished that he had to go to prison at all," Bradshaw remembers.

"Let's just say he didn't think he belonged there."

Sheriff Ric Bradshaw: June

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CHAPTER 53

Sheriff Ric Bradshaw: June 2015

"Our job," says Ric Bradshaw, "was to make sure nobody killed him."

Sheriff Bradshaw could have stepped off the set of a Western. Imposingly tall, with his cowboy hat, Kurt Russell mustache, and slow, southern drawl, he looks *exactly* like an old-school law officer—the kind you once would have found patrolling the streets of Tombstone, Deadwood, or Dodge City. He's been a lawman for forty-four years, eleven of which have been spent as the head of the county's jails. As a rule, he doesn't talk to the media, and today, as he talks about Jeffrey Epstein, he's clearly uncomfortable, fidgety, and ill disposed.

But here in his wood-paneled office on the first floor of the Gun Club, Bradshaw remembers Epstein quite well.

"We have a thousand sexual predators in the county," he says. "When he arrived here, he was one of them. He definitely

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fit the category we have to ensure the general population is not going to take their anger out on."

Although he understands that Epstein is a sex offender and has a sense of the scope of his alleged crimes, Bradshaw's also aware that the actual *conviction* was for a "low-level felony." At the request of Epstein's attorneys—a request that is confirmed by a court order—Epstein is quickly granted "work release."

What it means in practice is that six days a week, for up to sixteen—sixteen!—hours each day, Epstein is allowed to leave the Stockade to be driven by a designated driver in a car earmarked especially for him to any one of three places: his lawyer Jack Goldberger's office in downtown West Palm Beach, the Palm Beach office of a science foundation that he's established, and his house on El Brillo Way.

Despite the ankle bracelet he wears, it could be argued that as a fabulously rich prisoner with two of his own jets parked nearby, at the Palm Beach International Airport, Epstein might have posed a flight risk.

Instead, every day of the week save one, he's allowed to go to his lawyer's, to go to his office, or simply to go home.

Did the deputy in charge of Epstein go to the house on El Brillo Way?

Ric Bradshaw considers the question.

"Yes," he says, "he did."

Did the deputy go inside the house?

"Yes, he did."

If so, the deputy might have encountered Nadia Marcinkova, who was staying on El Brillo Way at the time. He may also have

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That would be Jean-Luc E

For the duration of Jeffre
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met a suave short-haired gentleman who spoke with a distinct French accent.

That would be Jean-Luc Brunel.

For the duration of Jeffrey Epstein's stay—or half stay—in the Stockade, Brunel's taken up residence in the house on El Brillo Way.

HOUSE_OVERSIGHT_010543

CHAPTER 54

Jeffrey Epstein: June 30, 2008–July 21, 2009

According to Sheriff Ric Bradshaw, the treatment Jeffrey Epstein received in the Stockade was not preferential. By some measures, he isn't wrong.

In 2010, millionaire polo mogul John Goodman killed a young man while driving drunk. He was convicted but was allowed to spend two years under house arrest while his appeal was being tried.

Like Epstein, Goodman was allowed visitors. But Goodman's visitor list was nothing like Jeffrey Epstein's.

Nadia Marcinkova is said to have visited Epstein in jail more than seventy times.

Epstein's assistant Sarah Kellen also visited Epstein in the Stockade.

A Russian mixed martial artist named Igor "Houdini" Zinoviev was another visitor, as was a disbarred lawyer and financial

fraudster named Arnold Pr
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Sheriff Bradshaw wants
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But even US attorney Aco
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"Epstein appears to have
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CHAPTER 54

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was a disbarred lawyer and financial

fraudster named Arnold Prosperi, whose own prison sentence had been commuted by Bill Clinton on the day before Clinton left office.

Sheriff Bradshaw wants to be clear: none of these visits was conjugal.

But even US attorney Acosta, who negotiated Epstein's unusual agreement with the government, would say that Epstein's arrangement was highly irregular.

"Epstein appears to have received highly unusual treatment while in jail," Acosta would say in a letter addressed to the general public. "Although the terms of confinement in a state prison are a matter appropriately left to the state of Florida and not federal authorities, without doubt, the treatment that he received while in state custody undermined the purpose of a jail sentence."

And, of course, Epstein's stay at the Stockade was subsidized by taxpayers.

HOUSE_OVERSIGHT_010545

CHAPTER 55

R. Alexander Acosta's letter to the general public, March 20, 2011

To whom it may concern:

I served as U. S. Attorney for the Southern District of Florida from 2005 through 2009. Over the past weeks, I have read much regarding Mr. Jeffrey Epstein. Some appears true, some appears distorted. I thought it appropriate to provide some background, with two caveats: (i) under Justice Department guidelines, I cannot discuss privileged internal communications among department attorneys and (ii) I no longer have access to the original documents, and as the matter is now nearly 4 years old, the precision of memory is reduced.

The Epstein matter was originally presented to the Palm Beach County State Attorney. Palm Beach Police alleged that Epstein unlawfully hired underage high-

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CHAPTER 55

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ılawfully hired underage high-

school females to provide him sexually lewd and erotic massages. Police sought felony charges that would have resulted in a term of imprisonment. According to press reports, however, in 2006 the State Attorney, in part due to concerns regarding the quality of the evidence, agreed to charge Epstein only with one count of aggravated assault with no intent to commit a felony. That charge would have resulted in no jail time, no requirement to register as a sexual offender and no restitution for the underage victims.

Local police were dissatisfied with the State Attorney's conclusions, and requested a federal investigation. Federal authorities received the State's evidence and engaged in additional investigation. Prosecutors weighed the quality of the evidence and the likelihood for success at trial. With a federal case, there were two additional considerations. First, a federal criminal prosecution requires that the crime be more than local; it must have an interstate nexus. Second, as the matter was initially charged by the state, the federal responsibility is, to some extent, to back-stop state authorities to ensure that there is no miscarriage of justice, and not to also prosecute federally that which has already been charged at the state level.

After considering the quality of the evidence and the additional considerations, prosecutors concluded that the state charge was insufficient. In early summer 2007, the prosecutors and agents in this case met with Mr. Epstein's attorney, Roy Black. Mr. Black is perhaps best known for his successful defense of William

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Kennedy Smith. The prosecutors presented Epstein a choice: plead to more serious state felony charges (that would result in 2 years' imprisonment, registration as a sexual offender, and restitution for the victims) or else prepare for a federal felony trial.

What followed was a year-long assault on the prosecution and the prosecutors. I use the word assault intentionally, as the defense in this case was more aggressive than any which I, or the prosecutors in my office, had previously encountered. Mr. Epstein hired an army of legal superstars: Harvard Professor Alan Dershowitz, former Judge and then Pepperdine Law Dean Kenneth Starr, former Deputy Assistant to the President and then Kirkland & Ellis Partner Jay Lefkowitz, and several others, including prosecutors who had formerly worked in the U.S. Attorney's Office and in the Child Exploitation and Obscenity Section of the Justice Department. Defense attorneys next requested a meeting with me to challenge the prosecution and the terms previously presented by the prosecutors in their meeting with Mr. Black. The prosecution team and I met with defense counsel in Fall 2007, and I reaffirmed the office's position: two years, registration and restitution, or trial.

Over the next several months, the defense team presented argument after argument claiming that felony criminal proceedings against Epstein were unsupported by the evidence and lacked a basis in law, and that the office's insistence on jail-time was motivated by a zeal to overcharge a man merely because he is wealthy. They bolstered their arguments with legal opinions from

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well-known legal experts. One member of the defense team warned me that the office's excess zeal in forcing a good man to serve time in jail might be the subject of a book if we continued to proceed with the matter. My office systematically considered and rejected each argument, and when we did, my office's decisions were appealed to Washington. As to the warning, I ignored it.

The defense strategy was not limited to legal issues. Defense counsel investigated individual prosecutors and their families, looking for personal peccadilloes that may provide a basis for disqualification. Disqualifying a prosecutor is an effective (though rarely used) strategy, as eliminating the individuals most familiar with the facts and thus most qualified to take a case to trial harms likelihood for success. Defense counsel tried to disqualify at least two prosecutors. I carefully reviewed, and then rejected, these arguments.

Despite the army of attorneys, the office held firm to the terms first presented to Mr. Black in the original meeting. On June 30, 2008, after yet another last minute appeal to Washington D.C. was rejected, Epstein pled guilty in state court. He was to serve 18 months imprisonment, register as a sexual offender for life, and provide restitution to the victims.

Some may feel that the prosecution should have been tougher. Evidence that has come to light since 2007 may encourage that view. Many victims have since spoken out, filing detailed statements in civil cases seeking damages. Physical evidence has since been discovered. Had these additional statements and evidence been known,

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the outcome may have been different. But they were not known to us at the time.

A prosecution decision must be based on admissible facts known at the time. In cases of this type, those are unusually difficult because victims are frightened and often decline to testify or if they do speak, they give contradictory statements. Our judgment in this case, based on the evidence known at the time, was that it was better to have a billionaire serve time in jail, register as a sex offender, and pay his victims restitution than risk a trial with a reduced likelihood of success. I supported that judgment then, and based on the state law as it then stood and the evidence known at the time, I would support that judgment again.

Epstein's treatment, while in state custody, likewise may encourage the view that the office should have been tougher. Although the terms of confinement in a state prison are a matter appropriately left to the State of Florida, and not federal authorities, without doubt, the treatment that he received while in state custody undermined the purpose of a jail sentence.

Some may also believe that the prosecution should have been tougher in retaliation for the defense's tactics. The defense, arguably, often failed to negotiate in good faith. They would obtain concessions as part of a negotiation and agree to proceed, only to change their minds, and appeal the office's position to Washington. The investigations into the family lives of individual prosecutors were, in my opinion, uncalled for, as were the accusations of bias and/or misconduct against individual prosecutors.

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At times, some prosecutors felt that we should just go to trial, and at times I felt that frustration myself. What was right in the first meeting, however, remained right irrespective of defense tactics. Individuals have a constitutional right to a defense. The aggressive exercise of that right should not be punished, nor should a defense counsel's exercise of their right to appeal a U.S Attorney to Washington D.C. Prosecutors must be careful not to allow frustration and anger with defense counsel to influence their judgment.

After the plea, I recall receiving several phone calls. One was from the FBI Special Agent-In-Charge. He called to offer congratulations. He had been at many of the meetings regarding this case. He was aware of the tactics of the defense, and he called to praise our prosecutors for holding firm against the likes of Messrs. Black, Dershowitz, Lefkowitz and Starr. It was a proud moment. I also received calls or communications from Messrs. Dershowitz, Lefkowitz and Starr. I had known all three individuals previously, from my time in law school and at Kirkland & Ellis in the mid 90s. They all sought to make peace. I agreed to talk and meet with each of them after Epstein pled guilty, as I think it important that prosecutors battle defense attorneys in a case and then move on. I have tried, yet I confess that this has been difficult to do fully in this case.

The bottom line is this: Mr. Jeffrey Epstein, a billionaire, served time in jail and is now a registered sexual offender. He has been required to pay his victims restitution, though restitution clearly cannot compensate for the crime. And

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we know much more today about his crimes because victims have come forward to speak out. Some may disagree with prosecutorial judgments made in this case, but those individuals are not the ones who at the time reviewed the evidence available for trial and assessed the likelihood of success.

Respectfully,
R. Alexander Acosta
Former U.S. Attorney
Southern District of Florida

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Respectfully,
R. Alexander Acosta
Former U.S. Attorney
Southern District of Florida

PART VI

Aftermath

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CHAPTER 56

Jeffrey Epstein: July 2009

Jeffrey Epstein walks out of the Stockade on July 21, 2009, having served less than thirteen months of his eighteen-month sentence. One of the concessions his lawyers have gotten while working out his plea-deal guarantees is that the media not be alerted to the time and day of his departure.

But from now on, Epstein, who is fifty-six, will carry the mark of a level 3 sex offender—level 1 being the lowest, and level 3 indicating the highest possible risk of a future criminal act of a sexual nature. Wherever he goes, he will be forced to register as such.

Every ninety days, Epstein will have to check in with the authorities. Every year, the New York City Police Department will take his mug shot. And for a full year, Epstein will be under house arrest in Palm Beach.

This last prohibition doesn't stop him from flying, with court

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approval, on his own planes to New York and to Little Saint Jeff's, where the locals have taken to referring to Epstein's 727 as the Lolita Express.

There are other restrictions, of course, that Epstein is supposed to abide by. He has to provide the state of Florida with a list of all the motor vehicles, boats, and airplanes he owns. The full list includes two Escalades, six Suburbans, two Ford F-150s, two Harley-Davidsons, a Land Rover, a Hummer H2, a thirty-four-foot JVC boat, and a thirty-five-foot Donzi powerboat.

Three of his five planes turn out to be registered to a company called Air Ghislaine, Inc.

As a registered sex offender, Epstein is legally obliged to undergo psychiatric treatment. This is a restriction he'll get around by having his own psychologist submit a report to law enforcement officers.

Epstein is also prohibited from accessing pornography on the Internet and using social networking for sexual purposes.

For Jeffrey Epstein, there will be no Bangbros, Tinder, or Swingles.com.

There *will* be lawsuits.

Six weeks before probation ends, he settles with seven women who sue him in civil court. But Epstein can easily afford the settlement payments. He won't be going back to jail, and in regard to further prosecution for any criminal actions, his troubles are behind him.

Not everyone who's spent time in his company will be so lucky.

Alfredo Rodriguez: Aug

Epstein's houseman, Al
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CHAPTER 57

Alfredo Rodriguez: August 2009

Epstein's houseman, Alfredo Rodriguez, also ends up with a prison sentence.

In a sworn statement, Rodriguez talks about Epstein's maid, Lupita, who had complained to him about having to clean up after Epstein's "massages." Lupita, who was a devout Catholic, had cried as she described the stained towel and sex toys.

Rodriguez was fired by Epstein, he says, when he called 911 after seeing a strange car—a "beater"—in Epstein's driveway.

As it turned out, the car had belonged to one of Epstein's masseuses.

On his way out of the house on El Brillo Way, he took some of Epstein's papers, which he failed to produce when questioned by Chief Reiter's investigators.

For years, Rodriguez tried and failed to find work as a house manager. No one wanted to hire someone who'd worked for

HOUSE_OVERSIGHT_010556

Jeffrey Epstein. Finally, desperately, he tried to sell the information he'd stolen.

The papers named underage girls and the places where Epstein had taken them. The list included locations in California, Paris, New Mexico, New York, and Michigan. The papers also included the names, addresses, and phone numbers of famous individuals—Henry Kissinger, Mick Jagger, Dustin Hoffman, Ralph Fiennes, David Koch, Ted Kennedy, Donald Trump, Bill Richardson, Bill Clinton, and former Israeli prime minister Ehud Barak among them.

This was intriguing, if not at all damning. Epstein made a habit of collecting such information for future use. But information pertaining to the girls would have bolstered the state's case against Jeffrey Epstein, and by withholding it from the Palm Beach PD and the FBI, Rodriguez had committed a crime.

In his defense, Rodriguez would say that the papers were an "insurance policy." Without them, he believed, Epstein would have made him "disappear."

But now Rodriguez needed the money. And so a few weeks after Epstein's release from the Stockade, he approached a lawyer who was representing some of Epstein's masseuses. He had the "holy grail," he insisted. A "golden nugget." The names of hundreds of girls, he said, who had been abused by Epstein.

The lawyer told Rodriguez in no uncertain terms that he was obliged to turn whatever he had over to the authorities. By demanding money for the information, Rodriguez was committing another crime.

According to a sworn statement by Christina Pryor, a special agent with the FBI, Rodriguez "persisted that he would only turn over the information in his possession in exchange for $50,000."

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Two months later, on October 28, the lawyer called Rodriguez, who insisted once more on being paid for the information. The lawyer told him that an associate would be in touch.

What the lawyer knew and Rodriguez did not know was that the associate in question was an undercover employee (UCE) of the FBI. A few days later, on November 2, the UCE calls Rodriguez and sets up a meeting, which takes place the following day.

"During the meeting, Rodriguez produced a small bound book and several sheets of legal pad paper containing handwritten notes," Special Agent Pryor would say in her statement. She continues:

> *Rodriguez explained that he had taken the bound book from his former employer's residence while employed there in 2004 to 2005 and that the book had been created by persons working for his former employer. Rodriguez discussed in detail the information within the book and identified important information to the UCE. In addition, Rodriguez admitted he had previously lied to the FBI. Rodriguez asked the UCE about the $50,000, took possession of the money, and began counting it.*
>
> *Rodriguez was then detained for Obstruction of Official Proceedings, Title 18, U.S. Code, Section 1512(c), and questioned. After Miranda warnings were administered by agents, Rodriguez waived his rights and signed a written waiver of those rights. Rodriguez admitted that he had the documents and book in his possession and had never turned them over to local law enforcement or the FBI. In addition, Rodriguez*

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advised he had witnessed nude girls whom he believed were underage at the pool area of his former employer's home, knew that his former employer was engaging in sexual contact with underage girls, and had viewed pornographic images of underage girls on computers in his employer's home. Rodriguez was then released from custody for further investigation.

The items that Rodriguez had attempted to sell to the UCE for $50,000.00 were reviewed by an agent familiar with the underlying criminal investigation. As Rodriguez had described, the items contained information material to the underlying investigation that would have been extremely useful in investigati[ng] and prosecuting the case, including the names and contact information of material witnesses and additional victims. Had those items been produced in response to the inquiries of the state law enforcement officers or the FBI Special Agents, their contents would have been presented to the federal grand jury.

Following his release, Alfredo Rodriguez was arrested again. He appeared in court on June 18, 2010, facing charges of corruptly concealing records and documents. Dressed in a blue jumpsuit and shackles, he apologized for his crimes and asked the court to be merciful.

He received a sentence of eighteen months.

It was the same punishment that Jeffrey Epstein had gotten for his crimes. But unlike Epstein, Alfredo Rodriguez served his time in a federal prison and did not ask for, or receive, permission to go on work release.

Prince Andrew: 2011

Prince Andrew also fares imprisonment.

The two men are old f Ghislaine Maxwell introduced time in the 1990s. In 2000, Eps Castle to celebrate the queen's b flew to Sandringham, the quee a party Prince Andrew threw for

The prince had also visited Palm Beach as well as in New Roberts made in her 2015 decla asked her to give the prince wi back with the details.

According to the *Guardian*, tied together at Windsor Castle,

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OF COUNSEL
MARÍA G. DÍAZ

E-MAIL:
[redacted]

June 19, 2019

VIA FEDERAL EXPRESS & EMAIL

Mr. Scott Link
Link & Rockenbach, PA
1555 Palm Beach Lakes Blvd., Suite 930
West Palm Beach, FL 33401
[redacted]

Re: [redacted]

Dear Mr. Link,

We represent [redacted] with reference to her claims against Jeffrey Epstein for childhood sexual abuse which occurred in New York City when she was [redacted] years old.

New York recently passed the Child Victims Act which creates a 1 year window for claims where the statute of limitations had expired. Therefore, [redacted] will be able to sue Mr. Epstein for the sexual abuse which she experienced while she was a minor.

[redacted] was the perfect victim.

She was born in [redacted], a town on the [redacted] coast. When [redacted] was four years old, [redacted] descended into civil war. At the age of six, her entire village was evacuated. She fled her hometown travelling through war zones on foot with her family, in a stream of refugees.

Her family settled in the outskirts of [redacted]. As refugees, with no money, her family lived together in one room, sharing a bathroom with other families. Her parents eventually found low paying, unskilled jobs. Their only clothing was what was provided to them by the Red Cross.

When she was ten years old, [redacted] family arrived in [redacted].

By the sixth grade, [redacted] was 5'10", beautiful and naturally slim. She desperately

wanted to leave [redacted]. She learned about a talent search for models and persuaded her mother to take her. She was a huge success and began modeling at age fourteen. Though her parents disparaged her for marketing her appearance, they allowed her to work because she earned more than their combined income.

At age sixteen, [redacted] moved to New York City to model. She lived in an apartment for models, with one or two roommates and no adult on the premises. Her father was deeply ashamed of her because he disapproved of her profession and her parents distanced themselves.

[redacted] days were hectic with professional assignments. She worked with top tier clients and for DNA Modeling Agency, a well-known agency representing supermodels such as Linda Evangelista and Natalia Vodianova.

[redacted] was very innocent and inexperienced prior to meeting Mr. Epstein. At age sixteen, [redacted] experienced her first kiss. The director of a perfume campaign, Fabian Barron, wanted a kiss at the end of the commercial as a finale to a perfume ad. She dreaded her parents' reaction to seeing the commercial. She was raised in the Orthodox Christian Church where abstinence was encouraged.

[redacted] met Jeffrey Epstein when was sixteen years old. She was introduced through a fellow model a few years her senior.

Mr. Epstein seemed bigger than life. He did not drink or do drugs, which put her at ease. He was friends with former President Bill Clinton, the President who made it possible for [redacted] and her family to immigrate to America. When she told Mr. Epstein how her family came to America, Mr. Epstein said he would personally thank "Bill" for her. Mr. Epstein touted other impressive connections. He made it known that he had A list celebrities on speed-dial.

She felt very fortunate to have made the connection with Mr. Epstein.

As [redacted]s estrangement from her family increased, Mr. Epstein's role in her life became more and more important. He encouraged her and built her confidence. She trusted him completely.

Mr. Epstein told [redacted] that he was on the board of directors at Harvard University. He promised that once she took her SATs and obtained the scores she needed, he would write a letter of recommendation for her, which he said would carry significant weight with regard to her admission. Her dream was to establish herself as a successful model and to one day graduate from Harvard. Mr. Epstein made her feel that everything she wanted was possible.

[redacted] confided to him that she had never even had a boyfriend. He told her everything would fall into place, "just keep doing what you are doing, work hard and stay focused." She told Mr. Epstein that she preferred to abstain from sex until she was married.

The first time [redacted] asked her for a massage was to help with an ache in his shoulder. [redacted] thought it was an innocent request. He said his masseuse had failed to get a kink out of his shoulder. He gave her a large purple massager for her to use to take the knot out of his back. Mr. Epstein told her she was an excellent masseuse and she was pleased to be able to ease his pain.

When the massage ended, Mr. Epstein pulled two hundred dollars from his wallet and handed it to her. He said, "I was going to give it to the masseuse anyway, so you take it and pay for your car service or something."

Mr. Epstein began calling her every day, no matter where she was in the world. He told her he loved her. He became a vital part of [redacted] world as her parents remained distant. He invited her to stay at one of his apartments close to him on the Upper East Side. Her arduous work schedule, starting with 6:00 a.m. call times and shows running late into the night were exhausting. Epstein's daily check-up calls and pep talks gave her strength to survive her grinding schedule.

When in Paris, Mr. Epstein allowed her to stay at his home with her sister and arranged for a night out at a concert with Naomi Campbell. It appeared to [redacted] that Mr. Epstein's thoughts were focused on her career, future and good fortune.

The first time the purple massage tool found its way between her legs, [redacted] told him to stop, but Mr. Epstein pushed the head of the massager firmly against her and forced her legs apart. She felt ashamed and embarrassed. The massages became a ritual and were always accompanied with sexual abuse and a two-hundred dollar payment at the end.

Mr. Epstein approached her as if he was her mentor and teacher, teaching her about sexuality, opening her eyes. She experienced immense orgasms, and then shame and fear. She felt claustrophobia as she stared up into Mr. Epstein's church-like ceiling of the massage parlor while he fondled her. She felt she couldn't escape her position, and that this was the way it had to be because this powerful man orchestrated it. At the end of each massage he would make himself ejaculate by demanding she pay vigorous attention to his nipples with her fingers and he would tell her what a good girl she was, that he loved her and would call her later, which made everything seem better. Then he would open his wallet filled with hundred dollar bills and give her a couple, which she accepted as pocket money, never thinking twice about it.

[redacted] thought this is what it must feel like to become a woman. She was both thrilled and ashamed. She followed the path that Mr. Epstein set out for her because he said if she trusted him and did what he told her to do, everything would go according to his plan and her career would soar. Without him the world was a scary and unpredictable place. When she was with him, she felt like everything was right because of how much love and care she received from him. She started to think and believe that they would be together and that he would marry her.

He used the purple massage vibrator on her time and time again. She closed her eyes feeling lost, overwhelmed and out of control.

When he stuck his penis in her mouth, she did what she was told. She choked and gagged and when she tried to move her head away he forced it back into place. Mr. Epstein was extremely aggressive. When it was over he told her how amazing she was. She continued to believe in Mr. Epstein's friendship and guidance.

Mr. Epstein took her virginity. This was the trajectory for which he groomed her. [redacted] first sexual experience was devoid of tenderness or affection. She was stripped down and made to shower. Mr. Epstein told her, "If you're lying about being a virgin, or I get a disease from you, I'll kill you." She felt her mind separate from her body during intercourse.

She began to feel like a shell of her former self. She was mortified and in agony. She felt she had become everything her parents feared she would become. She was appearing in beauty magazines and making hundreds of thousands of dollars, but felt dirty and worthless. Mr. Epstein made her feel like nothing more than a teenage prostitute. Everything came crashing down once she realized that this was not love.

[redacted] left Mr. Epstein's residence for the last time feeling less than human. On her way out, she passed a young girl who appeared to be another young model. As [redacted] turned around to glance back, she saw the young woman entering Mr. Epstein's residence. She was disgusted with the realization that she was one of many called to "massage" Epstein.

[redacted] had a nervous breakdown while alone in New York. She found herself crying inconsolably, shaking, hyperventilating and unable to go to her castings and meetings. She was suicidal. She feared confiding in her agents and reaching out for help from them because she was so ashamed. She booked a ticket to go home.

She flew back to Kansas where her parents were living. She never returned to New York.

[redacted] was devastated with the realization of what she was lured into and how she

had been victimized. It shattered her to her core. At the vulnerable age of 16, Mr. Epstein made himself the center of her existence and the master of her world. She realized she was a disposable pawn in his game. She could not talk about her years with Mr. Epstein because she was consumed with shame. At 16 years old, he isolated her and made himself her only emotional support system. Her mental torment and pain turned into depression. She was prescribed medication. She numbed herself and tried not to deal with what had happened. She tried to block the pain.

[redacted] was embarrassed that she had been used and abused. She withdrew and had no desire to model or interact with anyone in the modeling world anymore. [redacted] stopped taking calls from modeling agencies, and eventually they stopped calling for good. She was afraid to go to New York where her emotions and memories would be triggered.

The final contact between [redacted] and Mr. Epstein was when he tracked her parent's house phone number in Kansas and tried to speak to her. [redacted] mother grabbed the phone and told Mr. Epstein she was calling the police before hanging up on him.

Her career dwindled to nothing. Taking a break from the modeling industry when clients like Italian Vogue and Victoria's Secret were requesting bookings constituted career suicide.

In Kansas she became chronically depressed. She was suicidal before her 18th birthday. She called the suicide hotline many times from her home.

While in Kansas, a friend of [redacted] ent her an email with news that Mr. Epstein had been arrested for trafficking underaged girls. [redacted] felt as if she had gone from being a supermodel to becoming an unsuspecting prostitute. Her parents' warnings of what would become of her in New York had come to fruition. She fell prey to a child predator, Mr. Epstein, and it took her a decade to understand the gravity of what Epstein had done to her as a vulnerable young girl.

Mr. Epstein masqueraded as a loving mentor, a parental substitute and friend who had nothing but [redacted] s best interest in mind. The repercussions of the sexual and mental abuse [redacted] endured remain with her. Her first sexual encounters are forever scarred by memories of Mr. Epstein forcing his purple massage device between her legs amidst her cries for him to stop. Debilitating nausea and stomach pain followed her separation from him. She had no framework with which to reference what a "normal" sexual experience was. She remains plagued with self-doubt and insecurity and finds it nearly impossible to separate memories of Mr. Epstein's manipulation and abuse from new relationships she tries to develop.

The sexual abuse Mr. Epstein inflicted upon [redacted] left irreparable psychological scars. She has struggled and continues to struggle with her ability to maintain healthy relationships with men and in general. Her career is permanently compromised and the likelihood of recovering severed professional ties is non-existent.

Please contact us within ten days of this letter to advise whether Mr. Epstein is amenable to attempting to resolve [redacted]'s civil claims without litigation.

Very truly yours,

ALLRED, MAROKO & GOLDBERG

Gloria Allred

GLORIA ALLRED

IN THE CIRCUIT COURT OF THE 15TH JUDICIAL CIRCUIT IN AND FOR PALM BEACH COUNTY, FLORIDA

Case No.:50 2009 CA 040800XXXXMBAG

JEFFREY EPSTEIN,

Plaintiff,

vs.

SCOTT ROTHSTEIN, individually, and
BRADLEY J. EDWARDS, individually,

Defendants,
_____/

STATEMENT OF UNDISPUTED FACTS

Defendant Bradley J. Edwards, Esq., offers the following specific facts as the undisputed material facts in this case. Each of the following facts is numbered separately and individually to facilitate Epstein's required compliance with Fla. R. Civ. P. 1.510(c) ("The adverse party shall identify . . . any summary judgment evidence on which the adverse party relies."). All referenced exhibits and attachments have previously been filed with the Court and provided to Epstein.

Sexual Abuse of Children By Epstein

1. Defendant Epstein has a sexual preference for young children. Deposition of Jeffrey Epstein, Mar. 17, 2010, at 110 (hereinafter "Epstein Depo.") (Deposition Attachment #1).[1]

[1] When questioned about this subject at his deposition, Epstein invoked his Fifth Amendment right to remain silent rather than make an incriminating admission. Accordingly, Edwards is entitled to the adverse inference against Epstein that, had Epstein answered, the answer would have been unfavorable to him. "[I]t is well-settled that the Fifth Amendment does not forbid adverse inferences against parties to

2. Epstein repeatedly sexually assaulted more than forty (40) young girls on numerous occasions between 2002 and 2005 in his mansion in West Palm Beach, Florida. These sexual assaults included vaginal penetration. Epstein abused many of the girls dozens if not hundreds of times. Epstein Depo. at 109 ("Q: How many times have you engaged in oral sex with females under the age of 18?" A: [Invocation of the Fifth Amendment]); Deposition of Jane Doe, September 24, 2009 and continued March 11, 2010, at 527 (minor girl sexually abused at least 17 times by Epstein) (hereinafter "Jane Doe Depo") (Deposition Attachment #2); *id.* 564-67 (vaginal penetration by Epstein with his finger), 568 (vaginal penetration by Epstein with a massager); Deposition of L.M., September 24, 2009, at 73 (hereinafter "L.M. Depo") (Deposition Attachment #3) (describing the manner in which Epstein abused her beginning when LM was 13 years old, touching her vagina with his fingers and vibrator) at 74, line 12-13 (she was personally molested by Epstein more than 50 times), at 164, line 19-23 and 141, line 12-13 and 605, line 3-6 (describing that in addition to being personally molested by Epstein she was paid $200 per underage girl she brought Epstein and she brought him more than seventy (70) underage girls - she told him that she did not want to bring him any more girls and he insisted that she continue to bring him underage girls); Deposition of E.W., May 6, 2010 (hereinafter "E.W. Depo") (Deposition Attachment #4) at 115-116, 131 and 255 (describing Epstein's abuse of her beginning at age 14 when he paid her for touching her vagina, inserting his fingers and

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civil actions when they refuse to testify in response to probative evidence offered against them." *Baxter v. Palmigiano,* 425 U.S. 308, 318 (1976); *accord Vasquez v. State*, 777 So.2d 1200, 1203 (Fla. App. 2001). The reason for this rule "is both logical and utilitarian. A party may not trample upon the rights of others and then escape the consequences by invoking a constitutional privilege – at least not in a civil setting." *Fraser v. Security and Inv. Corp.*, 615 So.2d 841, 842 (Fla. App. 1993).

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using a vibrator and he also paid her $200 for each other underage female E.W. brought him to molest. She brought him between 20 and 30 underage females); Deposition of Jane Doe #4, date (hereinafter "Jane Doe #4 Depo") (Deposition Attachment #5) at 32-34, and 136 (she describes first being taken to Epstein at 15 years old, "Being fingered by him, having him use a vibrator on [me], grabbing my nipples, smelling my butt, jerking off in front of me, licking my clit, several times.").

3. At all relevant times Edwards has had a good faith basis to conclude and did conclude[2] that Epstein was able to access a large number of underage girls through a pyramid abuse scheme in which he paid underage victims $200-$300 cash for each other underage victim that she brought to him. *See* Palm Beach Police Incident Report at 87 (hereinafter "Incident Report") (Exhibit "A").[3] The Palm Beach Police Incident Report details Epstein's scheme for molesting underage females. Among other things, the Incident Report outlines some of the experiences of other Epstein victims. When S.G, a 14 year old minor at the time, was brought to Epstein's home, she was taken upstairs by a woman she believed to be Epstein's assistant. The woman started to fix up the room, putting covers on the massage table and bringing lotions out. The "assistant" then left the room and told S.G. that Epstein would be up in a second. Epstein walked over to S.G. and told her to take her clothes off in a stern voice. S.G. states in the report she did not know what to do, as she was the only one there. S.G. took off her shirt, leaving her bra on. Epstein, then in a towel told her to take off everything. S.G. removed her pants leaving

[2] In support of all assertions concerning the actions Edwards took, what Edwards learned in the course of his representation of his clients, Edwards's good faith beliefs and the foundation for those beliefs, see Edwards Affidavit and specifically paragraphs 25 and 25 of that Affidavit.

[3] For clarity, depositions attached to this memorandum will be identified numerically as attachments #1, #2, #3, etc., while exhibits attached to this memorandum will be identified alphabetically as exhibits A, B, C, etc.

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on her thong panties. Epstein then instructed S.G to give him a massage. As S.G gave Epstein a massage, Epstein turned around and masturbated. S.G. was so disgusted, she did not say anything; Epstein told her she "had a really hot body." *Id.* at 14. In the report, S.G. admitted seeing Jeffrey Epstein's penis and stated she thought Epstein was on steroids because he was a "really built guy and his wee wee was very tiny." *Id. at* 15.

4. The exact number of minor girls who Epstein assaulted is known only to Epstein. However, Edwards had a good faith basis to believe and did in fact believe that Epstein's victims were substantially more than forty (40) in number. In addition to the deposition excerpts from two of his many victims above about the number of underage girls brought to Epstein and the Palm Beach incident report, there is overwhelming proof that the number of underage girls molested by Epstein through his scheme was in the hundreds. *See* Complaint, Jane Doe 102 v. Epstein, (hereinafter Jane Doe 102 complaint) (Exhibit "B"); *see also* Deposition of Jeffrey Epstein, April 14, 2010, at 442, 443, and 444 (Epstein invoking the 5th on questions about his daily abuse and molestation of children) (Deposition Attachment #6).

5. At all relevant times Edwards has had a good faith basis to believe and did in fact believe that Epstein and his attorneys knew of the seriousness of the criminal investigation against him and corresponded constantly with the United States Attorney's Office in an attempt to avoid the filing of numerous federal felony offenses, which effort was successful. *See* Correspondence from U.S. Attorney's Office to Epstein (hereinafter "U.S. Attorney's Correspondence") (Composite Exhibit "C) (provided in discovery during the Jane Doe v. Epstein case).

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6. At all relevant times Edwards has had a good faith basis to believe and did in fact believe that, more specifically, Epstein's attorneys knew of Epstein's scheme to recruit minors for sex and also knew that these minors had civil actions that they could bring against him. In fact, there was much communication between Epstein's attorneys and the United States Prosecutors in a joint attempt to minimize Epstein's civil exposure. For example, on October 3, 2007, Assistant U.S. Attorney Marie Villafaña sent an email (attached hereto as Exhibit "D") to Jay Lefkowitz, counsel for Epstein, with attached proposed letter to special master regarding handling numerous expected civil claims against Epstein. The letter reads in pertinent part,

> "The undersigned, as counsel for the United States of America and Jeffrey Epstein, jointly write to you to provide information relevant to your service as a Special Master in the selection of an attorney to represent several young women who may have civil damages claims against Mr. Epstein. The U.S. Attorney's Office and the Federal Bureau of Investigation (jointly referred to as the "United States") have conducted an investigation of Jeffrey Epstein regarding his solicitation of minor females in Palm Beach County to engage in prostitution. Mr. Epstein, through his assistants, would recruit underage females to travel to his home in Palm Beach to engage in lewd conduct in exchange for money. Based upon the investigation, the United States has identified forty (40) young women who can be characterized as victims pursuant to 18 USC 2255. Some of those women went to Mr. Epstein's home only once, some went there as much as 100 times or more. Some of the women's conduct was limited to performing a topless or nude massage while Mr. Epstein masturbated himself. For other women, the conduct escalated to full sexual intercourse. As part of the resolution of the case, Epstein has agreed that he would not contest jurisdiction in the Southern District of Florida for any victim who chose to sue him for damages pursuant to 18 USC 2255. Mr. Epstein agreed to provide an attorney for victims who elected to proceed exclusively pursuant to that section, and agreed to waive any challenge to liability under that section up to an amount agreed to by the parties. The parties have agreed to submit the selection of an attorney to a Special Master...."

7. At all relevant times Edwards has had a good faith basis to believe and did in fact believe that L.M. was, in fact, a victim of Epstein's criminal abuse because L.M. was one of the

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minor females that the United States Attorney's Office recognized as a victim. L.M.'s sworn deposition testimony and the adverse inference drawn from Epstein's refusal to testify confirm that Epstein began sexually assaulting L.M. when she was 13 years old and continued to molest her on more than fifty (50) occasions over three (3) years. Epstein Depo., Attachment #1, at 17 ("Q: Did you . . . ever engage in any sexual conduct with L.M.?" A: [Invocation of the Fifth Amendment].); *see also* Epstein Depo., April 14, 2010, Attachment #6, at 456 ("Q: LM was an underage female that you first abused when she was 13 years old; is that correct?" A: [Invocation of Fifth Amendment].)

8. Epstein was also given ample opportunity to explain why he engaged in sexual activity with L.M. beginning when L.M. was 13 years old and why he has molested minors on an everyday basis for years, and he invoked his 5th amendment right rather than provide explanation. *See* Epstein Deposition, February 17, 2010, at 11-12, 30-31 (Deposition Attachment # 7).

9. Epstein also sexually assaulted E.W., beginning when she was 14 years old and did so on numerous occasions. *See* E.W. Depo., Attachment #4 at 215-216.

10. Another of the minor girls Epstein sexually assaulted was Jane Doe; the abuse began when Jane Doe was 14 years old. Rather than incriminate himself, Epstein invoked the 5th amendment to questions about him digitally penetrating Doe's vagina, using vibrators on her vagina and masturbating and ejaculating in her presence. Epstein Depo., April 14, 2010, Attachment #6, at 420, 464, 468.

11. When Edwards's clients L.M., E.W., and Jane Doe were 13 or 14 years old, each was brought to Epstein's home multiple times by another underage victim. Epstein engaged in

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one or more of the following acts with each of the then-minor girls at his mansion: receiving a topless or completely nude massage; using a vibrator on her vagina; masturbating in her presence; ejaculating in her presence; touching her breast or buttocks or vagina or the clothes covering her sexual organs; and demanding that she bring him other underage girls. Epstein and his co-conspirators used the telephone to contact these girls to entice or induce them into going to his mansion for sexual abuse. Epstein also made E.W. perform oral sex on him and was to perform sex acts on Nadia Marcinkova (Epstein's live-in sex slave) in Epstein's presence. *See* Plaintiff Jane Doe's Notice Regarding Evidence of Similar Acts of Sexual Assault, filed in Jane Doe v. Epstein, No. 08-cv-80893 (S.D. Fla. 2010), as DE 197, (hereinafter "Rule 413 Notice") (Exhibit "E"); Jane Doe Depo., Attachment #2, at 379-380; L.M. Depo., Attachment #3, at 416; E.W. Depo, Attachment #4, at 205.

12. At all relevant times Edwards has had a good faith basis to believe and did in fact believe that yet another of the minor girls Epstein sexually assaulted was C.L. When she was approximately 15 years old, C.L. was brought to Epstein's home by another underage victim. While a minor, she was at Epstein's home on multiple occasions. Epstein engaged in one or more of the following acts with her while she was a minor at his house - topless or completely nude massage on Epstein; Epstein used a vibrator on her vagina; Epstein masturbated in her presence; Epstein ejaculated in her presence; Epstein also demanded that she bring him other underage girls. *See* Rule 413 Notice, Exhibit "E"; Incident Report, Exhibit "A."

13. At all relevant times Edwards has had a good faith basis to believe and did in fact believe that yet another girl Epstein sexually assault was A.H. When she was approximately 16 years old, she was brought to Epstein's home by another underage victim. While a minor, she

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was at Epstein's home on multiple occasions. Epstein engaged in one or more of the following acts with her while she was a minor at his house - topless or completely nude massage on Epstein; Epstein used a vibrator on her vagina; Epstein masturbated in her presence; Epstein ejaculated in her presence; Epstein touched her breast or buttock or vagina or the clothes covering her sexual organs; was made to perform sex acts on Epstein; made to perform sex acts on Nadia Marcinkova in Epstein's presence. Epstein also forcibly raped this underage victim, as he held her head down against her will and pumped his penis inside her while she was screaming "No". *See* Rule 413 Notice, Exhibit "E"; Incident Report, Exhibit "A", at 41 (specifically discussing the rape):

> "[A.H.] remembered that she climaxed and was removing herself from the massage table. [A.H.] asked for a sheet of paper and drew the massage table in the master bathroom and where Epstein, Marcinkova and she were. Epstein turned [A.H.] on to her stomach on the massage bed and inserted his penis into her vagina. [A.H.] stated Epstein began to pump his penis in her vagina. [A.H.] became upset over this. She said her head was being held against the bed forcibly, as he continued to pump inside her. She screamed no, and Epstein stopped ...."

> "[A.H.] advised there were times that she was so sore when she left Epstein's house. [A.H.] advised she was ripped, torn, in her vagina area. [A.H.] advised she had difficulty walking to the car after leaving the house because she was so sore."

14. Without detailing each fact known about Epstein's abuse of the many underage girls, Edwards has had a good faith basis to believe and did in fact believe at all relevant times that Epstein also abused other victims in ways closely similar to those described in the preceding paragraphs. Epstein's additional victims include the following (among many other) young girls: S.G.; A.D.; V.A.; N.R.; J.S.; V.Z.; J.A.; F.E.; M.L.; M.D.; D.D.; and D.N. These girls were between the ages of 13 and 17 when Epstein abused them. *See* Rule 413 Notice, Exhibit E; Deposition of E.W., Deposition Attachment #4.

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15. One of Mr. Epstein's household employees, Mr. Alfredo Rodriguez, saw numerous underage girls coming into Epstein's mansion for purported "massages." *See* Rodriguez Depo. at 242-44 (Deposition Attachment #8). Rodriguez was aware that "sex toys" and vibrators were found in Epstein's bedroom after the purported massages. *Id.* at 223-28. Rodriguez thought what Epstein was doing was wrong, given the extreme youth of the girls he saw. *Id.* at 230-31.

16. Alfredo Rodriguez took a journal from Epstein's computer that reflected many of the names of underage females Epstein abused across the country and the world, including locations such as Michigan, California, West Palm Beach, New York, New Mexico, and Paris, France. *See* Journal (hereinafter "The Journal" or "Holy Grail") (Exhibit "F") (identifying, among other Epstein acquaintances, females that Rodriguez believes were underage under the heading labeled "Massages").

17. Rodriguez was later charged in a criminal complaint with obstruction of justice in connection with trying to obtain $50,000 from civil attorneys pursuing civil sexual assault cases against Epstein as payment for producing the book to the attorneys. *See* Criminal Complaint at 2, U.S. v. Rodriguez, No. 9:10-CR-80015-KAM (S.D. Fla. 2010) (Exhibit "G"). Rodriguez stated he needed money because the journal was his "property" and that he was afraid that Jeffrey Epstein would make him "disappear" unless he had an "insurance policy" (i.e., the journal). *Id.* at 3. Because of the importance of the information in the journal to the civil cases, Mr. Rodriguez called it "The Holy Grail."

18. In the "Holy Grail" or "The Journal," among the many names listed (along with the abused girls) are some of the people that Epstein alleges in his Complaint had "no connection

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whatsoever" with the litigation in this case. *See, e.g.,* Journal, Exhibit F, at 85 (Donald Trump); at 9 (Bill Clinton phone numbers listed under "Doug Bands").

Federal Investigation and Plea Agreement With Epstein

19. In approximately 2005, the FBI and the U.S. Attorney's Office in the Southern District of Florida learned of Epstein's repeated sexual abuse of minor girls. They began a criminal investigation into federal offenses related to his crimes. *See* U.S. Attorney's Correspondence, Exhibit "C".

20. At all relevant times Edwards has had a good faith basis to believe and did in fact believe that to avoid the Government learning about his abuse of minor girls, Epstein threatened his employees and demanded that they not cooperate with the government. Epstein's aggressive witness tampering was so severe that the United States Attorney's Office prepared negotiated plea agreements containing these charges. For example, in a September 18, 2007, email from AUSA Villafaña to Lefkowitz (attached hereto as Exhibit "H"), she attached the proposed plea agreement describing Epstein's witness tampering as follows:

"UNITED STATES vs. JEFFREY EPSTEIN PLEA PROFFER"

> On August 21, 2007, FBI Special Agents E. Nesbitt Kuyrkendall and Jason Richards traveled to the home of Leslie Groff to serve her with a federal grand jury subpoena with an investigation pending in the Southern District of Florida. Ms. Groff works as the personal assistant of the defendant. Ms. Groff began speaking with the agents and then excused herself to go upstairs to check on her sleeping child. While upstairs, Ms. Groff telephoned the defendant, Jeffrey Epstein, and informed him that the FBI agents were at her home. Mr. Epstein instructed Ms. Groff not to speak with the agents and reprimanded her for allowing them into her home. Mr. Epstein applied pressure to keep Ms. Groff from complying with the grand jury subpoenas that the agents had served upon her. In particular, Mr. Epstein warned Ms. Groff against turning over documents and electronic evidence responsive to the subpoena and pressured her to delay her

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appearance before the grand jury in the Southern District of Florida. This conversation occurred when Mr. Epstein was aboard his privately owned civilian aircraft in Miami in the Southern District of Florida. His pilot had filed a flight plan showing the parties were about to return to Teterboro, NJ. After the conversation with Ms. Groff, Mr. Epstein became concerned that the FBI would try to serve his traveling companion, Nadia Marcinkova, with a similar grand jury subpoena. In fact, the agents were preparing to serve Ms. Marcinkova with a target letter when the flight landed in Teterboro. Mr. Epstein then redirected his airplane, making the pilot file a new flight plan to travel to the US Virgin Islands instead of the New York City area, thereby keeping the Special Agents from serving the target letter on Nadia Marcinkova. During the flight, the defendant verbally harassed Ms. Marcinkova, harassing and pressuring her not to cooperate with the grand jury's investigation, thereby hindering and dissuading her from reporting the commission of a violation of federal law to a law enforcement officer, namely, Special Agents of the FBI. Epstein also threatened and harassed Sarah Kellen against cooperating against him as well.

21. Edwards learned that the Palm Beach police department investigation ultimately led to the execution of a search warrant at Epstein's mansion in October 2005. *See* Police Incident Report, Exhibit "A".

22. Edwards learned that at around the same time, the Palm Beach Police Department also began investigating Epstein's sexual abuse of minor girls. They also collected evidence of Epstein's involvement with minor girls and his obsession with training sex slaves, including pulling information from Epstein's trash. Their investigation showed that Epstein ordered from Amazon.com on about September 4, 2005, such books as: SM101: A Realistic Introduction, by Jay Wiseman; SlaveCraft: Roadmaps for Erotic Servitude - Principles, Skills, and Tools, by Guy Baldwin; and Training with Miss Abernathy: A Workbook for Erotic Slaves and Their Owners, by Christina Abernathy. *See* Receipt for Sex Slave Books (Exhibit "I").

23. The Palm Beach incident reports provided Edwards with the names of numerous witnesses that participated in Epstein's child molestation criminal enterprise and also provided

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Edwards with some insight into how far-reaching Epstein's power was and how addicted Epstein was to sex with children. *See* Incident Report, Exhibit "A".

24. The Palm Beach Police Department also collected Epstein's message pads, which provided other names of people that also knew Epstein's scheme to molest children. *See* Message Pads (Exhibit "J") (note: the names of underage females have been redacted to protect the anonymity of the underage sex abuse victims). Those message pads show clear indication that Epstein's staff was frequently working to schedule multiple young girls between the ages of 12 and 16 years old literally every day, often two or three times per day. *Id.*

25. In light of all of the information of numerous crimes committed by Epstein, Edwards learned that the U.S. Attorney's Office began preparing the filing of federal criminal charges against Epstein. For example, in addition to the witness tampering and money laundering charges the U.S. Attorney's Office prepared an 82-page prosecution memo and a 53-page indictment of Epstein related to his sexual abuse of children. On September 19, 2007, at 12:14 PM, AUSA Villafaña wrote to Epstein's counsel, Jay Lefkowitz, "Jay - I hate to have to be firm about this, but we need to wrap this up by Monday. I will not miss my indictment date when this has dragged on for several weeks already and then, if things fall apart, be left in a less advantageous position than before the negotiations. I have had an 82-page pros memo and 53-page indictment sitting on the shelf since May to engage in these negotiations. There has to be an ending date, and that date is Monday." These and other communications are within the correspondence attached as Composite Exhibit "C."

26. Edwards learned that rather than face the filing of federal felony criminal charges, Epstein (through his attorneys) engaged in plea bargain discussions. As a result of those

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discussions, on September 24, 2007, Epstein signed an agreement with the U.S. Attorney's Office for the Southern District of Florida. Under the agreement, Epstein agreed to plead guilty to an indictment pending against him in the 15th Judicial Circuit in and for Palm Beach County charging him with solicitation of prostitution and procurement of minors for prostitution. Epstein also agreed that he would receive a thirty month sentence, including 18 months of jail time and 12 months of community control. In exchange, the U.S. Attorney's Office agreed not to pursue any federal charges against Epstein. *See* Non-Prosecution Agreement (Exhibit "K").

27. Part of the Non-Prosecution Agreement that Epstein negotiated was a provision in which the federal government agreed not to prosecute Epstein's co-conspirators. The co-conspirators procured minor females to be molested by Epstein. One of the co-conspirators - Nadia Marcinkova -even participated in the sex acts with minors (including E.W.) and Epstein. *See* Incident Report, Exhibit "A", at 40-42, 49-51; Deposition of Nadia Marcinkova, April 13, 2010, (hereinafter "Marcinkova Depo.") at 11 (Deposition attachment #9).

28. Under the Non-Prosecution Agreement, Epstein was to use his "best efforts" to enter into his guilty pleas by October 26, 2007. However, Edwards learned that Epstein violated his agreement with the U.S. Attorney's Office to do so and delayed entry of his plea. *See* Letter from U.S. Attorney R. Alexander Acosta to Lilly Ann Sanchez, Dec. 19, 2007 (Exhibit "L").

29. On January 10, 2008 and again on May 30, 2008 E.W. and L.M. received letters from the FBI advising them that "[t]his case is currently under investigation. This can be a lengthy process and we request your continued patience while we conduct a thorough investigation." Letters attached at Composite Exhibit "M". This document is evidence that the FBI did not notify E.W. and L.M. that a plea agreement had already been reached that would

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block federal prosecution of Epstein. Nor did the FBI notify E.W. and L.M. of any of the parts of the plea agreement. Nor did the FBI or other federal authorities confer with E.W. and L.M. about the plea. *See id.*

30. In 2008, Edwards believed in good faith that criminal prosecution of Epstein was extremely important to his clients E.W. and L.M. and that they desired to be consulted by the FBI and/or other representatives of the federal government about the prosecution of Epstein. The letters that they had received around January 10, 2008, suggested that a criminal investigation of Epstein was on-going and that they would be contacted before the federal government reached any final resolution of that investigation. *See id.*

Edwards Agrees to Serve as Legal Counsel for Three Victims of Epstein's Sexual Assaults

31. In about April 2008, Bradley J. Edwards, Esq., was a licensed attorney in Florida, practicing as a sole practitioner. As a former prosecutor, he was well versed in civil cases that involved criminal acts, including sexual assaults. Three of the many girls Epstein had abused – L.M., E.W., and Jane Doe – all requested that Edwards represent them civilly and secure appropriate monetary damages against Epstein for repeated acts of sexual abuse while they were minor girls. Two of the girls (L.M. and E.W.) also requested that Edwards represent them in connection with a concern that the Federal Bureau of Investigation (FBI) and U.S. Attorney's Office might be arranging a plea bargain for the criminal offenses committed by Epstein without providing them the legal rights to which they were entitled (including the right to be notified of plea discussions and the right to confer with prosecutors about any plea arrangement). *See*

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Affidavit of Bradley J. Edwards, Esq. at ¶1 - 2, ¶4 (hereinafter "Edwards Affidavit") (Exhibit "N").

32. On June 13, 2008, attorney Edwards agreed to represent E.W.; on July 2, 2008, attorney Edwards agreed to represent Jane Doe; and, on July 7, 2008, attorney Edwards agreed to represent L.M. in connection with the sexual assaults committed by Epstein and to insure that their rights as victims of crimes were protected in the criminal process on-going against Epstein. Mr. Edwards and his three clients executed written retention agreements. *See id.* at ¶2.

33. In mid June of 2008, Edwards contacted AUSA Villafaña to inform her that he represented Jane Doe #1 and, later, Jane Doe #2. AUSA Villafaña did not advise that a plea agreement had already been negotiated with Epstein's attorneys that would block federal prosecution. To the contrary, AUSA Villafaña mentioned a possible indictment. AUSA Villafaña did indicate that federal investigators had concrete evidence and information that Epstein had sexually molested many underage minor females, including E.W., LM, and Jane Doe. *See id.* at ¶4.

34. Edwards also requested from the U.S. Attorney's Office the information that they had collected regarding Epstein's sexual abuse of his clients. However, the U.S. Attorney's Office, declined to provide any such information to Edwards. It similarly declined to provide any such information to the other attorneys who represented victims of Epstein's sexual assaults. At the very least, this includes the items that were confiscated in the search warrant of Epstein's home, including dildos, vibrators, massage table, oils, and additional message pads. *See* Property Receipt (Exhibit "O").

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35. On Friday, June 27, 2008, at approximately 4:15 p.m., AUSA Villafaña received a copy of Epstein's proposed state plea agreement and learned that the plea was scheduled for 8:30 a.m., Monday, June 30, 2008. AUSA Villafaña called Edwards to provide notice to his clients regarding the hearing. AUSA Villafaña did not tell Attorney Edwards that the guilty pleas in state court would bring an end to the possibility of federal prosecution pursuant to the plea agreement. *See* Edwards Affidavit, Exhibit "N", at ¶6.

36. Under the Crime Victims' Rights Act (CVRA), 18 U.S.C. § 3771, victims of federal crimes – including E.W. and L.M. – are entitled to basic rights during any plea bargaining process, including the right to be treated with fairness, the right to confer with prosecutors regarding any plea, and the right to be heard regarding any plea. The process that was followed leading to the non-prosecution of Epstein violated these rights of E.W. and L.M. *See* Emergency Petn. for Victim's Enforcement of Crime Victim's Rights, No. 9:08-CV-80736-KAM (S.D. Fla. 2008) (Exhibit "P").

37. Because of the violation of the CVRA, on July 7, 2008, Edwards filed an action in the U.S. District Court for the Southern District of Florida, Case No. 9:08-CV-80736, seeking to enforce the rights of E.W. and L.M. That action alleged that the U.S. Attorney's Office had failed to provide E.W. and L.M. the rights to which they were entitled under the Act, including the right to be notified about a plea agreement and to confer with prosecutors regarding it. *See id.*

38. On July 11, 2008, Edwards took E.W. and L.M. with him to the hearing on the CVRA action. It was only at this hearing that both victims learned for the first time that the plea deal was already done with Epstein and that the criminal case against Epstein had been

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effectively terminated by the U.S. Attorney's office. *See* Hearing Transcript, July 11, 2008 (Exhibit "Q").

39. Edwards learned that Jane Doe felt so strongly that the plea bargain was inappropriate that she made her own determination to appear on a television program and exercise her First Amendment rights to criticize the unduly lenient plea bargain Epstein received in a criminal case.

40. The CVRA action that Edwards filed was recently administratively closed and Edwards filed a Motion to reopen that proceeding. *See* No. 9:08-CV-80736 (S.D. Fla.).

Epstein's Entry of Guilty Pleas to Sex Offenses

41. Ultimately, on June 30, 2008, in the Fifteenth Judicial Circuit in Palm Beach County, Florida, defendant Epstein, entered pleas of "guilty" to various Florida state crimes involving the solicitation of minors for prostitution and the procurement of minors for the purposes of prostitution. *See* Plea Colloquy (Exhibit "R").

42. As a condition of that plea, and in exchange for the Federal Government not prosecuting the Defendant, Epstein additionally entered into an agreement with the Federal Government acknowledging that approximately thirty-four (34) other young girls could receive payments from him under the federal statute providing for compensation to victims of child sexual abuse, 18 U.S.C. § 2255. As had been agreed months before, the U.S. Attorney's Office did not prosecute Epstein federally for his sexual abuse of these minor girls. *See* Addendum to Non-Prosecution Agreement (Exhibit "S") (in redacted form to protect the identities of the minors involved).

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43. Because Epstein became a convicted sex offender, he was not to have contact with any of his victims. During the course of his guilty pleas on June 30, 2008, Palm Beach Circuit Court Judge Deborah Dale Pucillo ordered Epstein "not to have any contact, direct or indirect" with any victims. She also expressly stated that her no-contact order applied to "all of the victims." Similar orders were entered by the federal court handling some of the civil cases against Epstein. The federal court stated that it "finds it necessary to state clearly that Defendant is under this court's order not to have direct *or indirect contact* with any plaintiffs . . . ." Order, Case No. 9:08-cv-80119 (S.D. Fla. 2008), [DE 238] at 4-5 (emphasis added); *see also* Order, Case No. 9:08-cv-80893, [DE 193] at 2 (emphasis added).

Edwards Files Civil Suits Against Epstein

44. Edwards had a good faith belief that his clients felt angry and betrayed by the criminal system and wished to prosecute and punish Epstein for his crimes against them in whatever avenue remained open to them. On August 12, 2008, at the request of his client Jane Doe, Brad Edwards filed a civil suit against Jeffrey Epstein to recover damages for his sexual assault of Jane Doe. *See* Edwards Affidavit, "N" at ¶7. Included in this complaint was a RICO count that explained how Epstein ran a criminal conspiracy to procure young girls for him to sexually abuse. *See* Complaint, Jane Doe v. Epstein (Exhibit "T").

45. On September 11, 2008, at the request of his client E.W., Brad Edwards filed a civil suit against Jeffrey Epstein to recover damages for his sexual assault of E.W. *See* Complaint, E.W. v. Epstein (Exhibit "U").

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46. On September 11, 2008, at the request of his client L.M.., Brad Edwards filed a civil suit against Jeffrey Epstein to recover damages for his sexual assault of L.M. *See* Complaint, L.M. v. Epstein, (Exhibit "V").

47. Jane Doe's federal complaint indicated that she sought damages of more than $50,000,000. Listing the amount of damages sought in the complaint was in accord with other civil suits that were filed against Epstein (before any lawsuit filed by Edwards). *See* Complaint, Jane Doe #4 v. Epstein (Exhibit "W") (filed by Herman and Mermelstein, PA).

48. At about the same time as Edwards filed his three lawsuits against Epstein, other civil attorneys were filing similar lawsuits against Epstein. For example, on or about April 14, 2008 another law firm, Herman and Mermelstein, filed the first civil action against Epstein on behalf of one of its seven clients who were molested by Epstein. The complaints that attorney Herman filed on behalf of his seven clients were similar in tenor and tone to the complaint that Edwards filed on behalf of his three clients. *See id.*

49. Over the next year and a half, more than 20 other similar civil actions were filed by various attorneys against Epstein alleging sexual assault of minor girls. These complaints were also similar in tenor and tone to the complaint that Edwards filed on behalf of his clients. These complaints are all public record and have not been attached, but are available in this Court's files and the files of the U.S. District Court for the Southern District of Florida.

50. In addition to the complaints filed against Epstein in Florida, a female in New York, Ava Cordero, filed a lawsuit against Epstein in New York making similar allegations - that Epstein paid her for a massage then forced her to give him oral sex and molested her in other ways when she was only 16 years old. Cordero was born a male, and in her complaint she

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alleges that Epstein told her during the "massage", "I love how young you are. You have a tight butt like a baby". *See* Jeff Epstein Sued for "Repeated Sexual Assaults" on Teen, New York Post, October 17, 2007, by Dareh Gregorian, link at: http://www.nypost.com/p/news/regional/item_44zlWyLUFH7R1OUtKYGPbP;jsessionid=6CA3EBF1BEF68F5DE14BFB2CAA5C37E0. *See* Article attached hereto as Exhibit "X".

51. Edwards's three complaints against Epstein contained less detail about sexual abuse than (as one example) a complaint filed by attorney Robert Josephsberg from the law firm of Podhurst Orseck. *See* Complaint, Jane Doe 102 v. Epstein (Exhibit "B"). As recounted in detail in this Complaint, Jane Doe 102 was 15 years old when Ghislaine Maxwell discovered her and lured her to Epstein's house. Maxwell and Epstein forced her to have sex with both of them and within weeks Maxwell and Epstein were flying her all over the world. According to the Complaint, Jane Doe 102 was forced to live as one of Epstein's underage sex slaves for years and was forced to have sex with not only Maxwell and Epstein but also other politicians, businessmen, royalty, academicians, etc. She was even made to watch Epstein have sex with three 12-year-old French girls that were sent to him for his birthday by a French citizen that is a friend of Epstein's. Luckily, Jane Doe 102 escaped to Australia to get away from Epstein and Maxwell's sexual abuse.

52. Edwards learned that in addition to civil suits that were filed in court against Epstein, at around the same time other attorneys engaged in pre-filing settlement discussions with Epstein. Rather than face filed civil suits in these cases, Epstein paid money settlements to more than 15 other women who had sexually abused while they were minors. *See* articles regarding settlements attached hereto as Composite Exhibit "Y."

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Epstein's Obstruction of Normal Discovery and Attacks on His Victims

53. Once Edwards filed his civil complaints for his three clients, he began the normal process of discovery for cases such as these. He sent standard discovery requests to Epstein about his sexual abuse of the minor girls, including requests for admissions, request for production, and interrogatories. *See* Edwards Affidavit, Exhibit "N", at ¶¶11-19 and 25. Rather than answer any substantive questions about his sexual abuse and his conspiracy for procuring minor girls for him to abuse, Epstein invoked his 5th amendment right against self-incrimination. An example of Epstein's refusal to answer is attached as Composite Exhibit "Z" (original discovery propounded to Epstein and his responses invoking 5th amendment).

54. During the discovery phase of the civil cases filed against Epstein, Epstein's deposition was taken at least five times. During all of those depositions, Epstein refused to answer any substantive questions about his sexual abuse of minor girls. *See, e.g.,* Deposition Attachments 1, 6 and 7.

55. During these depositions, Epstein further attempted to obstruct legitimate questioning by inserting a variety of irrelevant information about his case. As one of innumerable examples, on March 8, 2010, Mr. Horowitz, representing seven victims, Jane Doe's 2-8, asked, "Q: In 2004, did you rub Jane Doe 3's vagina? A: Excuse me. I'd like to answer that question, as I would like to answer mostly every question you've asked me here today; however, upon advice of counsel, I cannot answer that question. They've advised me I must assert my Sixth Amendment, Fifth Amendment and Fourteenth Amendment Rights against self--excuse me, against--under the Constitution. And though your partner, Jeffrey Herman, was disbarred after filing this lawsuit [a statement that was untrue], Mr. Edwards' partner sits in jail for

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fabricating cases of a sexual nature fleecing unsuspecting Florida investors and others out of millions of dollars for cases of a sexual nature with--I'd like to answer your questions; however if I--I'm told that if I do so, I risk losing my counsel's representation; therefore I must accept their advice." Epstein deposition, March 8, 2010, at 106 (Deposition attachment #10).

56. When Edwards had the opportunity to take Epstein's deposition, he only asked reasonable questions, all of which related to the merits of the cases against Epstein. All depositions of Epstein in which Mr. Edwards participated on behalf of his clients are attached to this motion. *See* Edwards Affidavit, Exhibit "N" at ¶11 and Deposition attachments #1, 6, 7, 10, 11, 12, and 13. Cf. with Deposition of Epstein taken by an attorney representing BB (one in which Edwards was not participating), http://www.youtube.com/watch?v=V-dqoEyYXx4; and http://www.youtube.com/watch?v=YCNiYltW-r0

57. Edwards's efforts to obtain information about Epstein's organization for procuring young girls was also blocked because Epstein's co-conspirators took the Fifth. Deposition of Sarah Kellen, March 24, 2010 (hereinafter "Kellen Depo.") (Deposition attachment #14); Deposition of Nadia Marcinkova, April 13, 2010, (Deposition attachment #9); Deposition of Adriana Mucinska Ross, March 15, 2010 (hereinafter "Ross Depo.") (Deposition attachment #15). Each of these co-conspirators invoked their respective rights against self-incrimination as to all relevant questions, and the depositions have been attached.

58. At all relevant times Edwards has had a good faith basis to believe and did in fact believe Sarah Kellen was an employee of Epstein's and had been identified as a defendant in at least one of the complaints against Epstein for her role in bringing girls to Epstein's mansion to be abused. At the deposition, she was represented by Bruce Reinhart. She invoked the Fifth on

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all substantive questions regarding her role in arranging for minor girls to come to Epstein's mansion to be sexually abused. Reinhart had previously been an Assistant United States Attorney in the U.S. Attorney's Office for the Southern District of Florida when Epstein was being investigated criminally by Reinhart's office. Reinhart left the United States Attorney's Office and was immediately hired by Epstein to represent Epstein's pilots and certain co-conspirators during the civil cases against Epstein. *See* Edwards Affidavit, Exhibit "N" at ¶11.

59. Edwards also had other lines of legitimate discovery blocked through the efforts of Epstein and others. For example, Edwards learned through deposition that Ghislaine Maxwell was involved in managing Epstein's affairs and companies. *See* deposition of Epstein's house manager Janusz Banziak, February 16, 2010 at page 14, lines 20-23 (Deposition Attachment #16); *See* deposition of Epstein's housekeeper Louella Rabuyo, October 20, 2009, page 9, lines 17-25 (Deposition Attachment #17); *See* deposition of Epstein's pilot Larry Eugene Morrison, October 6, 2009, page 102-103 (Deposition Attachment #18); *See* deposition of Alfredo Rodriguez, August 7, 2009, page 302-306 and 348 (Deposition Attachment #8); *See* also Prince Andrew's Friend, Ghislaine Maxwell, Some Underage Girls and A Very Disturbing Story, September 23, 2007 by Wendy Leigh, link at http://www.redicecreations.com/article.php?id=1895OHANNA SJOBERG. Exhibit "AA".

60. Alfredo Rodriguez testified that Maxwell took photos of girls without the girls' knowledge, kept the images on her computer, knew the names of the underage girls and their respective phone numbers and other underage victims were molested by Epstein and Maxwell together. *See* Deposition of Rodriguez, Deposition attachment # 8 at 64, 169-170 and 236.

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61. In reasonable reliance on this and other information, Edwards served Maxwell for deposition in 2009. *See* Deposition Notice attached as Exhibit "BB." Maxwell was represented by Brett Jaffe of the New York firm of Cohen and Gresser, and Edwards understood that her attorney was paid for (directly or indirectly) by Epstein. She was reluctant to give her deposition, and Edwards tried to work with her attorney to take her deposition on terms that would be acceptable to both sides. The result was the attached confidentiality agreement, under which Maxwell agreed to drop any objections to the deposition, attached hereto as Exhibit "CC." Maxwell, however, contrived to avoid the deposition. On June 29, 2010, one day before Edwards was to fly to NY to take Maxwell's deposition, her attorney informed Edwards that Maxwell's mother was deathly ill and Maxwell was consequently flying to England with no intention of returning to the United States. Despite that assertion, Ghislaine Maxwell was in fact in the country on July 31, 2010, as she attended the wedding of Chelsea Clinton (former President Clinton's daughter) and was captured in a photograph taken for OK magazine. Photos from Issue 809 of the publication *See* US Weekly dated August 16, 2010 are attached hereto as Exhibit "DD" and Edwards Affidavit, Exhibit "N" at ¶12.

62. Maxwell is not the only important witness to lie to avoid deposition by Edwards. Upon review of the message pads that were taken from Epstein's home in the police trash pulls, *see* Exhibit "J" *supra*, many were from Jean Luc Brunel, a French citizen and one of Epstein's closest pals. He left messages for Epstein. One dated 4/1/05 said, "He has a teacher for you to teach you how to speak Russian. She is 2x8 years old, not blonde. Lessons are free and you can have your 1st today if you call." *See* Messages taken from Jean Luc Brunel are attached hereto as Exhibit "EE." In light of these circumstances of the case, this message reasonably suggested to

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Edwards that Brunel might have been procuring two eight-year-old girls for Epstein to sexually abuse. According to widely circulated press reports reviewed by Edwards, Brunel is in his sixties and has a reputation throughout the world (and especially in the modeling industry) as a cocaine addict that has for years molested children through modeling agencies while acting as their agent – conduct that has been the subject of critical reports, books, several news articles, and a 60 Minutes documentary on Brunel's sexual exploitation of underage models. *See* http://bradmillershero.blogspot.com/2010/08/women-are-objects.html, attached hereto as Exhibit "FF."

63. Edwards learned that Brunel is also someone that visited Epstein on approximately 67 occasions while Epstein was in jail. *See* Epstein's jail visitor log attached as Exhibit "GG."

64. Edwards learned that Brunel currently runs the modeling agency MC2, a company for which Epstein provides financial support. *See* Message Pad's attached as Exhibit "J" *supra* and Sworn Statement of MC2 employee Maritza Vasquez, June 15, 2010, "Maritza Vasquez Sworn Statement" attached at Exhibit "HH" at 1-16.

65. Employees of MC2 told Edwards that Epstein's numerous condos at 301 East 66 Street in New York were used to house young models. Edwards was told that MC2 modeling agency, affiliated with Epstein and Brunel brought underage girls from all over the world, promising them modeling contracts. Epstein and Brunel would then obtain a visa for these girls, then would charge the underage girls rent, presumably to live as underage prostitutes in the condos. *See* Maritza Vasquez Sworn Statement, Exhibit "HH" at 7-10, 12-15, 29-30, 39-41, 59-60 and 62-67.

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66. In view of this information suggesting Brunel could provide significant evidence of Epstein's trafficking in young girls for sexual abuse, Edwards had Brunel served in New York for deposition. *See* Notice of Deposition of Jean Luc Brunel attached hereto as Exhibit "II." Before the deposition took place, Brunel's attorney (Tama Kudman of West Palm Beach) contacted Edwards to delay the deposition date. Eventually Kudman informed Edwards in January 2009 that Brunel had left the country and was back in France with no plans to return. This information was untrue; Brunel was actually staying with Epstein in West Palm Beach. *See* Banasiak deposition, deposition attachment #16 at 154-160 and 172-175; see also pages from Epstein's probation file evidencing Jean Luc Brunel (JLB) staying at his house during that relevant period of time attached Exhibit "JJ". As a result, Edwards filed a Motion for Contempt, attached hereto as Exhibit "KK" (Because Epstein settled this case, the motion was never ruled upon.)

67. Edwards was also informed that Epstein paid for not only Brunel's representation during the civil process but also paid for legal representation for Sarah Kellen (Epstein's executive assistant and procurer of girls for him to abuse), Larry Visoski (Epstein's personal pilot), Dave Rogers (Epstein's personal pilot), Larry Harrison (Epstein's personal pilot), Louella Rabuyo (Epstein's housekeeper), Nadia Marcinkova (Epstein's live-in sex slave), Ghislaine Maxwell (manager of Epstein's affairs and businesses), Mark Epstein (Epstein's brother), and Janusz Banasiak (Epstein's house manager) It was nearly impossible to take a deposition of someone that would have helpful information that was not represented by an attorney paid for by Epstein. *See* Edwards Affidavit, Exhibit "N" at ¶11.

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68. While Epstein and others were preventing any legitimate discovery into his sexual abuse of minor girls, at the same time he was engaging (through his attorneys) in brutal questioning of the girls who had filed civil suits against him, questioning so savage that it made local headlines. *See* Jane Musgrave, *Victims Seeking Sex offender's Millions See Painful Pasts Used Against Them,* Palm Beach Post News, Jan. 23, 2010, available at http://www.palmbeachpost.com/news/crime/victims-seeking-sex-offenders-millions-see-painful-pasts-192988.html attached hereto as Exhibit "LL."

Edwards Pursues Other Lines of Discovery

69. Because of Epstein's thwarting of discovery and attacks on Edwards's clients, Edwards was forced to pursue other avenues of discovery. Edwards only pursued legitimate discovery designed to further the cases filed against Epstein. *See* Edwards Affidavit, Exhibit "N" at ¶11.

70. Edwards notified Epstein's attorneys of his intent to take Bill Clinton's deposition. Edwards possessed a legitimate basis for doing so: (a) Clinton was friends with Ghislaine Maxwell who was Epstein's longtime companion and helped to run Epstein's companies, kept images of naked underage children on her computer, helped to recruit underage children for Epstein, engaged in lesbian sex with underage females that she procured for Epstein, and photographed underage females in sexually explicit poses and kept child pornography on her computer; (b) it was national news when Clinton traveled with Epstein aboard Epstein's private plane to Africa and the news articles classified Clinton as Epstein's friend. (c) the complaint filed on behalf of Jane Doe No. 102 stated generally that she was required by Epstein to be sexually exploited by not only Epstein but also Epstein's "adult male peers, including royalty,

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politicians, academicians, businessmen, and/or other professional and personal acquaintances" – categories Clinton and acquaintances of Clinton fall into. The flight logs showed Clinton traveling on Epstein's plane on numerous occasions between 2002 and 2005. *See* Flight logs attached hereto as Exhibit "MM." Clinton traveled on many of those flights with Ghislaine Maxwell, Sarah Kellen, and Adriana Mucinska, - all employees and/or co-conspirators of Epstein's that were closely connected to Epstein's child exploitation and sexual abuse. The documents clearly show that Clinton frequently flew with Epstein aboard his plane, then suddenly stopped - raising the suspicion that the friendship abruptly ended, perhaps because of events related to Epstein's sexual abuse of children. Epstein's personal phone directory from his computer contains e-mail addresses for Clinton along with 21 phone numbers for him, including those for his assistant (Doug Band), his schedulers, and what appear to be Clinton's personal numbers. This information certainly leads one to believe that Clinton might well be a source of relevant information and efforts to obtain discovery from him were reasonably calculated to lead to admissible evidence. *See* Exhibits "B", "F" "AA", "DD", and "MM" and Edwards Affidavit, Exhibit "N" at ¶15.

71. Bradley J. Edwards, Esq., provided notice that he intended to take the deposition of Donald Trump. Edwards possessed a legitimate basis for doing so: (a) The message pads confiscated from Epstein's home indicated that Trump called Epstein's West Palm Beach mansion on several occasions during the time period most relevant to my Edwards's clients' complaints; (b) Trump was quoted in a *Vanity Fair* article about Epstein as saying "I've known Jeff for fifteen years. Terrific guy," "He's a lot of fun to be with. It is even said that he likes beautiful women as much as I do, and many of them are on the younger side. No doubt about it --

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Jeffrey enjoys his social life." Jeffrey Epstein: International Moneyman of Mystery; He's pals with a passel of Nobel Prize–winning scientists, CEOs like Leslie Wexner of the Limited, socialite Ghislaine Maxwell, even Donald Trump. But it wasn't until he flew Bill Clinton, Kevin Spacey, and Chris Tucker to Africa on his private Boeing 727 that the world began to wonder who he is. By Landon Thomas Jr. (*See* article attached hereto as Exhibit "NN") (c) Trump allegedly banned Epstein from his Maralago Club in West Palm Beach because Epstein sexually assaulted an underage girl at the club; (d) Jane Doe No. 102's complaint alleged that Jane Doe 102 was initially approached at Trump's Maralago by Ghislaine Maxwell and recruited to be Maxwell and Epstein's underage sex slave; (e) Mark Epstein (Jeffrrey Epstein's brother) testified that Trump flew on Jeffrey Epstein's plane with him (the same plane that Jane Doe 102 alleged was used to have sex with underage girls); (f) Trump had been to Epstein's home in Palm Beach; (g) Epstein's phone directory from his computer contains 14 phone numbers for Donald Trump, including emergency numbers, car numbers, and numbers to Trump's security guard and houseman. Based on this information, Edwards reasonably believed that Trump might have relevant information to provide in the cases against Jeffrey Epstein and accordingly provided notice of a possible deposition. See deposition of Mark Epstein, September 21, 2009, at 48-50 (Deposition Attachment #19); *See* Jane Doe 102 v. Epstein, Exhibit "B"; Exhibit "F"; "Exhibit"J"; "N" and *See* Edwards Affidavit, Exhibit "N" at ¶13.

72. Edwards provided notice that he intended to depose Alan Dershowitz. Edwards possessed a legitimate basis for doing so: (a) Dershowitz is believed to have been friends with Epstein for many years; (b) in one news article Dershowitz comments that, "I'm on my 20th book... The only person outside of my immediate family that I send drafts to is Jeffrey" The

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Talented Mr. Epstein, By Vicky Ward on January, 2005 in Published Work, Vanity Fair (*See* article attached as Exhibit "OO"); (c) Epstein's housekeeper Alfredo Rodriguez testified that Dershowitz stayed at Epstein's house during the years when Epstein was assaulting minor females on a daily basis; (d) Rodriguez testified that Dershowitz was at Epstein's house at times when underage females where there being molested by Epstein (see Alfredo Rodriguez deposition at 278-280, 385, 426-427); (e) Dershowitz reportedly assisted in attempting to persuade the Palm Beach State Attorney's Office that because the underage females alleged to have been victims of Epstein's abuse lacked credibility and could not be believed that they were at Epstein's house, when Dershowitz himself was an eyewitness to their presence at the house; (f) Jane Doe No. 102 stated generally that Epstein forced her to be sexually exploited by not only Epstein but also Epstein's "adult male peers, including royalty, politicians, academicians, businessmen, and/or other professional and personal acquaintances" – categories that Dershowitz and acquaintances of Dershowitz fall into; (g) during the years 2002-2005 Alan Dershowitz was on Epstein's plane on several occasions according to the flight logs produced by Epstein's pilot and information (described above) suggested that sexual assaults may have taken place on the plane; (h) Epstein donated $30 Million one year to the university at which Dershowitz teaches. Based on this information, Edwards had a reasonable basis to believe that Dershowitz might have relevant information to provide in the cases against Jeffrey Epstein and accordingly provided notice of a possible deposition. *See* Dershowitz letters to the State Attorney's office attached as Exhibit "PP"; Deposition of Alfredo Rodriguez at 278-280; Flight Logs Exhibit "MM"; Exhibits "B" and "OO"; and Edwards Affidavit, Exhibit "N" at ¶14.

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73. Epstein's complaint alleges that Edwards provided notice that he wished to take the deposition of Tommy Mattola. That assertion is untrue. Mr. Mattola's deposition was set by the law firm of Searcy Denny Scarola Barnhart and Shipley. *See* Edwards Affidavit, Exhibit "N" at ¶16.

74. Edwards gave notice that he intended to take David Copperfield's deposition. Edwards possessed a legitimate basis for doing so. Epstein's housekeeper and one of the only witnesses who did not appear for deposition with an Epstein bought attorney, Alfredo Rodriguez, testified that David Copperfield was a guest at Epstein's house on several occasions. His name also appears frequently in the message pads confiscated from Epstein's house. It has been publicly reported that Copperfield himself has had allegations of sexual misconduct made against him by women claiming he sexually abused them, and one of Epstein's sexual assault victims also alleged that Copperfield had touched her in an improper sexual way while she was at Epstein's house. Mr. Copperfield likely has relevant information and deposition was reasonably calculated to lead to the discovery of admissible evidence. *See* Edwards Affidavit, Exhibit "N" at ¶17.

75. Epstein also takes issue with Edwards identifying Bill Richardson as a possible witness. Richardson was properly identified as a possible witness because Epstein's personal pilot testified to Richardson joining Epstein at Epstein's New Mexico Ranch. There was information indicating that Epstein had young girls at his ranch which, given the circumstances of the case, raised the reasonable inference he was sexually abusing these girls as he had abused girls in West Palm Beach and elsewhere. Richardson had also returned campaign donations that were given to him by Epstein, indicating that he believed that there was something about Epstein

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with which he did not want to be associated. Richardson was not called to testify nor was he ever subpoenaed to testify. *See* Edwards Affidavit, Exhibit "N" at ¶18.

76. Edwards learned of allegations that Epstein engaged in sexual abuse of minors on his private aircraft. *See* Jane Doe 102 Complaint, Exhibit "B." Accordingly, Edwards pursued discovery to confirm these allegations.

77. Discovery of the pilot and flight logs was proper in the cases brought by Edwards against Epstein. Jane Doe filed a federal RICO claim against Epstein that was an active claim through much of the litigation. The RICO claim alleged that Epstein ran an expansive criminal enterprise that involved and depended upon his plane travel. Although Judge Marra dismissed the RICO claim at some point in the federal litigation, the legal team representing Edwards' clients intended to pursue an appeal of that dismissal. Moreover, all of the subjects mentioned in the RICO claim remained relevant to other aspects of Jane Doe's claims against Epstein, including in particular her claim for punitive damages. *See* Edwards Affidavit, Exhibit "N" at ¶19.

78. Discovery of the pilot and flight logs was also proper in the cases brought by Edwards against Epstein because of the need to obtain evidence of a federal nexus. Edwards's client Jane Doe was proceeding to trial on a federal claim under 18 U.S.C. § 2255. Section 2255 is a federal statute which (unlike relevant state statutes) established a minimum level of recovery for victims of the violation of its provisions. Proceeding under the statute, however, required a "federal nexus" to the sexual assaults. Jane Doe had two grounds on which to argue that such a nexus existed to her abuse by Epstein: first, his use of telephone to arrange for girls to be abused; and, second, his travel on planes in interstate commerce. During the course of the litigation,

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Edwards anticipated that Epstein would argue that Jane Doe's proof of the federal nexus was inadequate. These fears were realized when Epstein filed a summary judgment motion raising this argument. In response, the other attorneys and Edwards representing Jane Doe used the flight log evidence to respond to Epstein's summary judgment motion, explaining that the flight logs demonstrated that Epstein had traveled in interstate commerce for the purpose of facilitating his sexual assaults. Because Epstein chose to settle the case before trial, Judge Marra did not rule on the summary judgment motion.

79. Edwards had further reason to believe and did in fact believe that the pilot and flight logs might contain relevant evidence for the cases against Epstein. Jane Doe No. 102's complaint outlined Epstein's daily sexual exploitation and abuse of underage minors as young as 12 years old and alleged that Epstein's plane was used to transport underage females to be sexually abused by him and his friends. The flight logs accordingly were a potential source of information about either additional girls who were victims of Epstein's abuse or friends of Epstein who may have witnessed or even participated in the abuse. Based on this information, Edwards reasonably pursued the flight logs in discovery.

80. In the fall of 2009, Epstein gave a recorded interview to George Rush, a reporter with the *New York Daily News* about pending legal proceedings. In that interview, Epstein demonstrated an utter lack of remorse for his crimes (but indirectly admitted his crimes) by stating:

- People do not like it when people make good and that was one reason he (Epstein) was being targeted by civil suits filed by young girls in Florida;
- He (Epstein) had done nothing wrong;

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- He (Epstein) had gone to jail in Florida for soliciting prostitution for no reason;
- If the same thing (i.e., sexual abuse of minor girls) had happened in New York, he (Epstein) would have received only a $200 fine;
- Bradley J. Edwards was the one causing all of Epstein's problems (i.e., the civil suits brought by Jane Doe and other girls);
- L.M. came to him as a prostitute and a drug user (i.e., came to Epstein for sex, rather than Epstein pursuing her);
- All the girls suing him are only trying to get a meal ticket;
- The only thing he might have done wrong was to maybe cross the line a little too closely;
- He (Epstein) was very upset that Edwards had subpoenaed Ghisline Maxwell, that she was a good person that did nothing wrong (i.e., had done nothing wrong even though she helped procure young girls to satisfy Epstein's sexual desires);
- With regard to Jane Doe 102 v. Epstein, which involved an allegation that Epstein had repeatedly sexually abused a 15-year-old girl, forced her to have sex with his friends, and flew her on his private plane nationally and internationally for the purposes of sexually molesting and abusing her, he (Epstein) flippantly said that the case was dismissed, indicating that the allegations were ridiculous and untrue.

See Affidavit of Michael J. Fisten attached hereto as Exhibit "QQ."

81. The Rush interview also demonstrated perjury (a federal crime) on the part of Epstein. Epstein lied about not knowing George Rush. *See* Epstein Deposition, February 17, 2010, taken in L.M. v. Jeffrey Epstein, case 50-2008-CA-028051, page 154, line 4 through 155 line 9, (Deposition attachment #7), wherein Jeffrey Epstein clearly impresses that he does not recognize George Rush from the New York Daily News. This impression was given despite the fact that he gave a lengthy personal interview about details of the case that was tape recorded with George Rush.

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Epstein's Harassment of Witnesses Against Him

82. At all relevant times Edwards has a good faith basis to believe and did in fact believe that Epstein engaged in threatening witnesses. *See* Incident Report, Exhibit "A" at p. 82, U.S. Attorney's Correspondence, Exhibit "C" - Indictments drafted by Federal Government against Epstein; and Edwards Affidavit, Exhibit "N" at ¶11.

83. Despite three no contact orders entered against Epstein (*see* Exhibit C, *supra*), Edwards learned that Epstein continued to harass his victims. For example, Jane Doe had a trial set for her civil case against him on July 19, 2010. As that trial date approached, defendant Epstein intimidated her in violation of the judicial no-contact orders. On July 1, 2010, he had a "private investigator" tail Jane Doe – following her every move, stopping when she stopped, driving when she drove, refusing to pass when she pulled over. When Jane Doe ultimately drove to her home, the "private investigator" then parked in his car approximately 25 feet from Jane Doe house and flashed his high beam lights intermittently into the home. Even more threateningly, at about 10:30 p.m., when Jane Doe fled her home in the company of a retired police officer employed by Jane Doe's counsel, the "private investigator" attempted to follow Jane Doe despite a request not to do so. The retired officer successfully took evasive action and placed Jane Doe in a secure, undisclosed location that night. Other harassing actions against Jane Doe also followed. *See* Motion for Contempt filed by Edwards in Jane Doe v. Epstein detailing the event, including Fisten Affidavit attached to Motion, Composite Exhibit "RR."

Epstein Settlement of Civil Claims Against Him for Sexual Abuse of Children

84. The civil cases Edwards filed against Epstein on behalf of L.M., E.W., and Jane Doe were reasonably perceived by Edwards to be very strong cases. Because Epstein had

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sexually assaulted these girls, he had committed several serious torts against them and would be liable to them for appropriate damages. *See* Preceding Undisputed Facts. Because of the outrageousness of Epstein's sexual abuse of minor girls, Edwards reasonably expected that Epstein would also be liable for punitive damages to the girls. Because Edwards could show that Epstein had molested children for years and designed a complex premeditated scheme to procure different minors everyday to satisfy his addiction to sex with minors, the punitive damages would have to be sufficient to deter him from this illegal conduct that he had engaged in daily for years. Epstein was and is a billionaire. *See* Complaint, ¶49 (referring to "Palm Beach Billionaire"); *see also* Epstein Deposition, February 17, 2010, at 172-176 (Deposition Attachment #7) (taking the Fifth when asked whether he is a billionaire). Accordingly, Edwards reasonably believed the punitive damages that would have to be awarded against Epstein would have been substantial enough to punish him severely enough for his past conduct as well as deter him from repeating his offenses in the future. *See* Edwards Affidavit, Exhibit "N" at ¶19.

85. On July 6, 2010, rather than face trial for the civil suits that had been filed against him by L.M., E.W., and Jane Doe, defendant Epstein settled the cases against him. The terms of the settlement are confidential. The settlement amounts are highly probative in the instant action as Epstein bases his claims that Edwards was involved in the Ponzi scheme on Epstein's inability to settle the L.M., E.W., and Jane Doe cases for "minimal value". His continued inability to settle the claims for "minimal value" after the Ponzi scheme was uncovered would be highly probative in discrediting any causal relationship between the Ponzi scheme and Edwards's settlement negotiations. *See* Edwards Affidavit, Exhibit "N" at ¶21.

Edwards Non-Involvement in Fraud by Scott Rothstein

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86. From in or about 2005, through in or about November 2009, Scott Rothstein appears to have run a giant Ponzi scheme at his law firm of Rothstein, Rosenfeldt and Adler P.A. ("RRA"). This Ponzi scheme involved Rothstein falsely informing investors that settlement agreements had been reached with putative defendants based upon claims of sexual harassment and/or whistle-blower actions. Rothstein falsely informed the investors that the potential settlement agreements were available for purchase. Plea Agreement at 2, *United States v. Scott W. Rothstein*, No. 9-60331-CR-COHN (S.D. Fla. Jan. 27, 2010) attached hereto as Exhibit "SS."

87. It has been alleged that among other cases that Rothstein used to lure investors into his Ponzi scheme were the cases against Epstein that were being handled by Bradley J. Edwards, Esq. Edwards had no knowledge of the fraud or any such use of the Epstein cases. *See* Edwards Affidavit, Exhibit "N" at ¶9.

88. Bradley J. Edwards, Esq., joined RRA in about April 2009 and left RRA in November 2009 – a period of less than one year. Edwards would not have joined RRA had he been aware that Scott Rothstein was running a giant Ponzi scheme at the firm. Edwards left RRA shortly after learning of Rothstein's fraudulent scheme. *Id.* at ¶8.

89. At no time prior to the public disclosure of Rothstein's Ponzi scheme did Edwards know or have reason to believe that Rothstein was using legitimate claims that Edwards was prosecuting against Epstein for any fraudulent or otherwise illegitimate purpose. *Id.* at ¶20.

90. Edwards never substantively discussed the merits of any of his three cases against Epstein with Rothstein. *See* Deposition of Bradley J. Edwards taken March 23, 2010, at 110-16. (hereinafter "Edwards Depo") (Deposition Attachment #22).

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91. On July 20, 2010, Bradley Edwards received a letter from the U.S. Attorney's Office for the Southern District of Florida – the office responsible for prosecuting Rothstein's Ponzi scheme. The letter indicated that law enforcement agencies had determined that Edwards was "a victim (or potential victim)" of Scott Rothstein's federal crimes. The letter informed Edwards of his rights as a victim of Rothstein's fraud and promised to keep Edwards informed about subsequent developments in Rothstein's prosecution. *See* Letter attached hereto as Exhibit "TT."

92. Jeffrey Epstein filed a complaint with the Florida Bar against Bradley Edwards, Esq., raising allegations that Edwards and others were involved in the wrongdoing of Scott Rothstein. After investigating the claim, the Florida Bar dismissed this complaint. *See* Edwards Affidavit, Exhibit "N" at ¶23.

Epstein Takes the Fifth When Asked Substantive Questions About His Claims Against Edwards

93. On March 17, 2010, defendant Epstein was deposed about his lawsuit against Edwards. Rather than answer substantive questions about his lawsuit, Epstein repeatedly invoked his Fifth Amendment privilege. *See* Epstein Depo. taken 3/17/10, Deposition Attachment #1.

94. In his deposition, Epstein took the Fifth rather than answer the question: "Specifically what are the allegations against you which you contend Mr. Edwards ginned up?" *Id.* at 34.

95. In his deposition, Epstein took the Fifth rather than name people in California that Edwards had tried to depose to increase the settlement value of the civil suit he was handling. *Id.* at 37.

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96. In his deposition, Epstein took the Fifth rather than answer the question: "Do you know former President Clinton personally." *Id.*

97. In his deposition, Epstein took the Fifth rather than answer the question: "Are you now telling us that there were claims against you that were fabricated by Mr. Edwards?" *Id.* at 39.

98. In his deposition, Epstein took the Fifth rather than answer the question, "Well, which of Mr. Edwards' cases do you contend were fabricated." *Id.*

99. In his deposition, Epstein took the Fifth rather than answer the question: "What is the actual value that you contend the claim of E.W. against you has?" *Id.* at 45.

100. In his deposition, Epstein took the Fifth rather than answer a question about the actual value of the claim of L.M. and Jane Doe against him. *Id.*

101. In his deposition, taken prior to the settlement of Edwards's clients claims against Epstein, Epstein took the Fifth rather than answer the question: "Is there any pending claim against you which you contend is fabricated?" *Id.* at 71.

102. In his deposition, Epstein took the Fifth rather than answer the question: "Did you ever have damaging evidence in your garbage?" *Id.* at 74.

103. In his deposition, Epstein took the Fifth rather than answer the question: "Did sexual assaults ever take place on a private airplane on which you were a passenger?" *Id.* at 88.

104. In his deposition, Epstein took the Fifth rather than answer the question: "Does a flight log kept for a private jet used by you contain the names of celebrities, dignitaries or international figures?" *Id.* at 89.

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105. In his deposition, Epstein took the Fifth rather than answer the question: "Have you ever socialized with Donald Trump in the presence of females under the age of 18?" *Id.* at 89.

106. In his deposition, Epstein took the Fifth rather than answer the question: "Have you ever socialized with Alan Dershowitz in the presence of females under the age of 18." *Id.* at 90.

107. In his deposition, Epstein took the Fifth rather than answer the question: "Have you ever socialized with Mr. Mottola in the presence of females under the age of 18?" *Id.* at 91-92.

108. In his deposition, Epstein took the Fifth rather than answer the question: "Did you ever socialize with David Copperfield in the presence of females under the age of 18?" *Id.* at

109. In his deposition, Epstein took the Fifth rather than answer the question: "Have you ever socialized with Mr. Richardson [Governor of New Mexico and formerly U.S. Representative and Ambassador to the United Nations] in the presence of females under the age of 18." *Id.* at 94.

110. In his deposition, Epstein took the Fifth rather than answer the question: "Have you ever sexually abused children?" *Id.* at 95.

111. In his deposition, Epstein took the Fifth rather than answer the question: "Did you have staff members that assisted you in scheduling appointments with underage females; that is, females under the age of 18." *Id.* at 97-98.

112. In his deposition, Epstein took the Fifth rather than answer the question: "On how many occasions did you solicit prostitution." *Id.* at 102.

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113. In his deposition, Epstein took the Fifth rather than answer the question: "How many minors have you procured for prostitution?" *Id.* at 104.

114. In his deposition, Epstein took the Fifth rather than answer the question: "Have you ever coerced, induced or enticed any minor to engage in any sexual act with you?" *Id.* at 107.

115. In his deposition, Epstein took the Fifth rather than answer the question: "How many times have you engaged in fondling underage females?" *Id.* at 108.

116. In his deposition, Epstein took the Fifth rather than answer the question: "How many times have you engaged in oral sex with females under the age of 18?" *Id.* at 110.

117. In his deposition, Epstein took the Fifth rather than answer the question: "Do you have a personal sexual preference for children?" *Id.* at 111-12.

118. In his deposition, Epstein took the Fifth rather than answer the question: "Your Complaint at page 27, paragraph 49, says that 'RRA and the litigation team took an emotionally driven set of facts involving alleged innocent, unsuspecting, underage females and a Palm Beach billionaire, and sought to turn it into a goldmine,' end of quote. Who is the Palm Beach billionaire referred to in that sentence?" *Id.* at 112-13.

119. In his deposition, Epstein took the Fifth rather than answer the question: "Who are the people who are authorized to make payment [to your lawyers] on your behalf?" *Id.* at 120.

120. In his deposition, Epstein took the Fifth rather than answer the question: "Is there anything in L.M.'s Complaint that was filed against you in September of 2008 which you contend to be false?" *Id.* at 128.

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on November 4th, 2010 a copy of the foregoing has been served via Fax and U.S. Mail to all those on the attached service list.

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Liquid Insight

Trump's effect on MXN

Bank of America Merrill Lynch

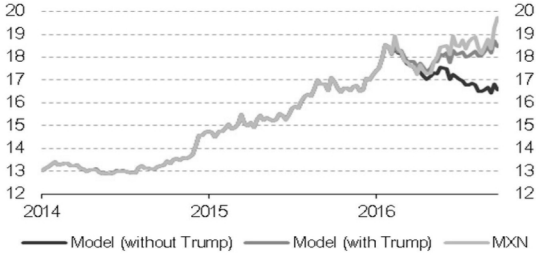
22 September 2016

Key takeaways

- We provide an empirical analysis of Donald Trump's potential effects on the Mexican peso
- Our analysis suggests the exchange rate is perhaps as much as 15% undervalued
- We remain neutral for now given US election risks are likely to remain high in the near term

By Claudio Irigoyen and Ezequiel Aguirre

Chart of the day: MXN may be as much as 15% undervalued



Source: BofA Merrill Lynch Global Research, Bloomberg

Trump's effect on MXN

We provide an empirical analysis of Donald Trump's effects on the Mexican peso. Our analysis suggests the exchange rate is perhaps as much as 15% undervalued. In our view, buying the Mexican peso likely would prove a profitable strategy if Hillary Clinton wins. However, we remain neutral for now given US election risks are likely to remain high in the near term.

A model of MXN weekly returns including Trump

We estimate a model of MXN returns with standard financial fundamentals that also includes Donald Trump's RealClearPolitics polling average in the US presidential election. It is generally accepted now that Trump's chances in the US election have been a major driver of the Mexican peso (Chart 1).

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Refer to important disclosures on page 6 to 7. Analyst Certification on page 5. 11668923

Timestamp: 22 September 2016 12:30AM EDT

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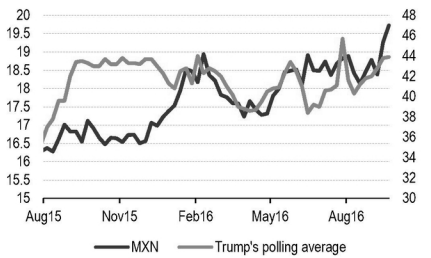
We estimate a regression of weekly returns on the MXN spot exchange rate on five variables: a basket of commodity currencies, US equities, the 10-year US bond yield, the two-year interest rate differential between MXN and USD swaps, and RealClearPolitics polling average for Donald Trump in the 2016 US presidential election. The estimated equation is

$$R^{MXN} = b_0 + b_1 * R^{basket} + b_2 * R^{SP500} + b_3 * dy^{10} + b_4 * (i^{MXN} - i^{USD}) + b_5 * RCP + e$$

where R^{MXN} is the MXN spot return, R^{basket} is the commodity currency basket spot return, R^{SP500} is the SP500 index return, dy^{10} is the 10-year US bond yield change, $i^{MXN} - i^{USD}$ is the two-year swap rate differential (lagged one period), RCP is RealClearPolitics polling average for Donald Trump, and e is an error term. The commodity currency basket consists of BRL, CLP, COP, CAD, NOK and AUD with equal weights. The full data sample has weekly frequency and runs from 6/20/2012 to 9/21/2016.

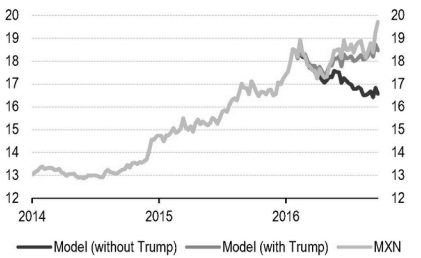
The model without Trump yields an R-squared coefficient of 0.50. Including Trump's variable increases the coefficient to 0.63, a significant improvement (Chart 2). We use data only up to 1/27/2016 for parameter estimation of the financial variables. We use the full sample to estimate the parameter on Trump's variable due to its shorter history.

Chart 1: The Trump factor on the Mexican peso



Source: BofA Merrill Lynch Global Research, Bloomberg

Chart 2: Forecasting MXN returns with and without Trump



Source: BofA Merrill Lynch Global Research, Bloomberg

A possible 15% negative shock on MXN

According to the model that does not include Trump's polling average, we estimate that MXN should be trading at around 16.50, more than 15% stronger than current levels (spot 19.72). Chart 2 shows the possible magnitude of the Trump effect on the Mexican peso.

The model including Trump's polling average appears to do a much better job at explaining the recent behavior of the Mexican peso. However, it still suggests that the currency has depreciated more than justified by Trump's increase in recent polls. Based on Trump's increase to 43.9% (RealClearPolitics polling average on 21 September) from 39% (RealClearPolitics polling average on 29 June), our model suggests the Mexican peso should be trading at around 18.50, still almost 7% stronger than current levels.

This, however, does not necessarily mean that MXN has oversold. The almost 5% gain in Trump's polling average since June could have had an outsized effect on MXN if those gains took place in swing states, potentially leading to crucial Electoral College votes.

Strategy: neutral MXN for now

From a strategy standpoint, we recommend staying neutral the Mexican peso for now. We believe the Mexican peso would likely strengthen significantly if Hillary Clinton wins the US election. But there is still significant uncertainty. Net speculative long USD/MXN positions are somewhat stretched, but could increase much more (Chart 3).

Bank of America Merrill Lynch

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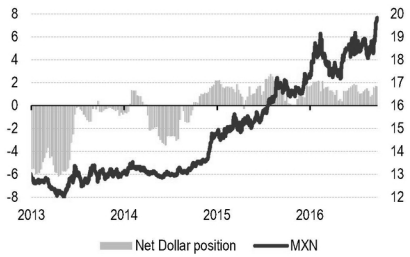
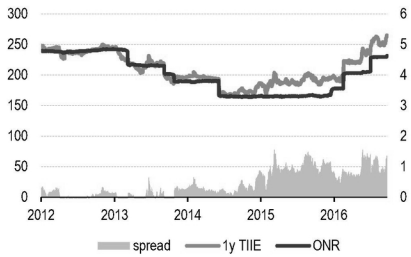
The Bank of Mexico will meet on 29 September, and a 50bp rate hike is already priced in (Chart 4). A stronger hike, perhaps of 75bp, or a 50bp rate hike accompanied by a hawkish statement could lead to MXN strengthening in the very short run.

Chart 3: Net speculative USD/MXN position in CFTC



Source: BofA Merrill Lynch Global Research, Bloomberg

Chart 4: Bank of Mexico expected to hike



Source: BofA Merrill Lynch Global Research, Bloomberg

Notable Rates and FX Research

* Global Rates & Currencies 2016 Year Ahead, 23 November 2015
* USD/MXN builds momentum, FX Quant Trader, 19 Sep 2016
* Central banks still the only game in town, Global Rates and FX Weekly, 15 Sep 2016
* Land of the rising bond yield, US Rates Weekly, 16 Sep 2016
* Policy uncertainty, Liquid Cross Border Flows, 19 Sep 2016

Key trade ideas

Top Rates and FX trades for 2016

For rationale and details, refer to Global Rates & Currencies 2016 Year Ahead: The "Great Divorce", 23 November, 2015

Rates:

Buy US 30y TIPS, entry: 1.2%, target: 70bp, stop loss: 1.55%

Closed at 101bp (3 Mar 2016): Short USD 5y5y vs EUR 5y5y, entry: 115 bp, target: 160 bp, stop-loss: 90 bp (3 Sep 2015)

Long $100mn 6m5y ATMF UK vs $100.75mn US rates straddles, net take-in: $126K, target: +450K, stop: -$225K

Sell 3y Fannie Mae debt vs Treasuries, entry: 6bp, stop: 2bp, target: 20bp

Closed at 11bp - Long 12m Treasury bills vs OIS, entry: 1bp, target: -10bp, stop: 7bp

FX:

Closed at 6.5630 (26 May 2016): Buy USD/CNH 6m forward outright, entry: 6.5260, stop: 6.40

Long a 12m USD/CNH forward outright, entry: 6.7485, target 7.00, stop: 6.67, current: 6.7420 (26 May 2016)

Closed at 0% - Buy EUR/USD 3m 1.10 call with a 16 Dec 1.1050 window KO, cost: 0.55% EUR (spot: 1.0690)

Buy 1y EUR/USD<1.00, USD/JPY<120 dual digital, cost: 7.0% USD (spot: 1.0690, 122.80)

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Closed at 902 (10 Mar 2016): Buy AUD/KRW, entry: 832, target: 920, stop: 859 (revised from 790)
Closed at 38.25 (18 Apr 2016): Sell TRY/JPY, entry: 43.40, target: 36.15, stop: 45.25
Closed at 8.27: Sell USD/NOK spot 8.685, target: 8.27, stop-loss: 8.60 (revised from 9.00)

New trades

Rates:

Mar17 FRA-OIS widener, entry: 6.25bp, target: 10bp, stop loss: 4bp (21 Sep 2016)
* Despite recent tightening, richness of bonds vs OIS, upcoming TLTRO & corporate issuance point to renewed widening

Existing open trades

For a complete list of our open trade recommendations, as well as our trade recommendations closed over the last 12 months, please see: Global Rates and FX Weekly: Central banks still the only game in town 15 September 2016

Rates:

Pay 5y5y forward 3s6s basis, entry: 11.3bp, target: 13.3bp, stop: 10.3bp (10 Aug 2016)
* Bank hedging flows on the back of sharp pickup in corp issuance suggests the widening of 3s6s basis is structural. It also hedges any aggressive ECB easing in Sep

Buy 6m30y ATMF+25bp/+50bp/+75 bp payer ladders for a net premium of €950k on €100m notional (or 3.3 bp) (20 Jul 2016)
*30y rates are at risk from the ECB tomorrow, especially if tweaks to the capital key are flagged already

Buy 3-year 3.5% ZC RPI inflation caps, entry: 26.0c; current 37.5c (21 Oct 2015)
*Sterling vulnerability due to the UK's large current account deficit makes being long inflation volatility attractive. Pairing this trade with a long-standing recommendation to be short 30-year UK breakevens is an attractive way to finance it.

Closed at 0 (22 Jul 2016): Buy 167 Aug RXU6 call and buy 162 put, cost 118 cents (16 Jun 2016)

Closed at 55bp (12 Jul 2016): OATei 2018/2027 flattener; entry: 78.5bp, target: 40bp; stop-loss: 100bp (11 Mar 2016)

FX:

Short EURUSD 6m 1.0740/1.1500 risk reversal, cost: 0 (off 1.1077 spot)(6 Jul 2016)
*EUR downside risks are underpriced. We think the post-referendum risk rally is overdone and could be at risk. Potential shocks include Brexit uncertainty, turbulence in Italy's banking sector, and political paralysis in Spain.

Closed 1.0840 (1 Jul 2016): Buy 3m EURCHF 1.08/1.03 put spread for 0.76% Eur (7.75/8.05 ag 10.45 vols off 1.0930 spot)(1 Apr 2016)

HOUSE_OVERSIGHT_010612

* EUR is underpricing Brexit and that shorting Euro was a cheaper way to express such a view via options. CHF tends to perform strongly when risks become more localized.

Closed on 28 Aug 2016: Buy EUR/USD 6m 1.00/1.20 strangle for 155 usd pips (off 1.1020 spot, DF two-way vols 12.1/12.3) (29 Feb 2016)
*Owning low delta EURUSD strangles may be an effective and cheap double hedge in the scenario that either the US enters a recession or the European debt crisis resurfaces.

Options Risk Statement

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Year (Annual Report only):	
Date of Appointment/Termination:	January 20, 2017

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Trump	Donald	J	President of the United States of America	

Other Federal Government Positions Held During the Preceding 12 Months:
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Name of Congressional Committee Considering Nomination (Nominees only):
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Filer's Certification - I certify that the statements I have made in this report are true, complete and correct to the best of my knowledge:

Signature:	Date:
[redacted]	JUNE 14/2017

Agency Ethics Official's Opinion – On the basis of information contained in this report, I conclude that the filer is in compliance with applicable laws and regulations (subject to any comments below)

Signature:	Date:
Stephen C. Rosenfeld	June 14, 2017

Other Review Conducted By:

Signature:	Date:

U.S. Office of Government Ethics Certification (if required):

Signature:	Date:
Walter M. Shaub, Jr.	6/16/17

Comments of Reviewing Officials:

OGE Form 278e (3/2011)

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Filer's Name	Page Number
Donald J. Trump	2 of 51

Part 1: Filer's Positions Held Outside United States Government

#	Organization Name	City/State	Organization Type	Position Held	From	To
1	4 Shadow Tree Lane LLC	New York, NY	LLC	President	09/26/12	1/19/2017
2	4 Shadow Tree Lane Member Corp	New York, NY	Corporation	President/Director/Chairman	09/26/12	1/19/2017
3	40 Wall Development Associates LLC	New York, NY	LLC	Member & President	4/11/95 & 8/11/03	1/19/2017
4	40 Wall Street Commercial LLC	New York, NY	LLC	President	08/27/09	1/19/2017
5	40 Wall Street LLC	New York, NY	LLC	President	04/23/98	1/19/2017
6	40 Wall Street Member Corp	New York, NY	Corporation	President/Director	04/29/98	1/19/2017
7	3128 Corporation	New York, NY	Corporation	President/Director	06/01/99	1/19/2017
8	401 Merz Venture LLC	New York, NY	LLC	President	10/01/04	1/19/2017
9	401 North Wabash Venture LLC	New York, NY	LLC	Member & President	5/2/02 & 10/1/04	1/19/2017
12	809 North Canon LLC	New York, NY	LLC	President	12/13/06	1/19/2017
13	809 North Canon Member Corporation	New York, NY	Corporation	President/Director	12/13/06	1/19/2017
14	81 Pine Note Holder Inc	New York, NY	Corporation	President/Director/Secretary	06/30/99	1/19/2017
15	Aviation Payroll Company	New York, NY	Corporation	President/Chairman	08/09/12	1/19/2017
16	B Plaza Realty Corp.	New York, NY	Corporation	Director/President	07/14/81	11/10/2016
17	Bedford Hills Corp	New York, NY	Corporation	Director & President/Treasurer/Secretary	8/3/1995 & 4/16/96	1/19/2017
18	Briar Hall Operations LLC	New York, NY	LLC	Member	01/09/97	1/19/2017
19	Briarcliff Properties, Inc.	New York, NY	Corporation	Director & President/Treasurer/Secretary	1/17/1995 & 4/16/96	1/19/2017
20	Caribusiness MRE LLC	New York, NY	LLC	Member	03/13/13	1/19/2017
21	Caribusiness RE Corp, The	New York, NY	Corporation	Director/Chairman/President	03/12/15	1/19/2017
22	Chelsea Hall LLC	New York, NY	LLC	Member	11/22/95	1/19/2017
23	Chicago Unit Acquisition LLC	New York, NY	LLC	Member/President	12/15/05	1/19/2017
24	China Trademark LLC	New York, NY	LLC	Member/President	05/17/08	1/19/2017
25	Coronet Hall Inc.	New York, NY	Corporation	Director/Vice President	08/01/69	1/19/2017
26	Development Member Inc.	New York, NY	Corporation	President/Secretary & Director	10/24/1996 & 1/14/98	1/19/2017
27	D B Pace Acquisition, LLC	South Carolina	LLC	Member/President	11/12/14	1/19/2017
28	D B Pace Acquisition Member Corp	New York, NY	Corporation	Chairman/President/Director	11/07/14	1/19/2017
29	DJT Aerospace LLC	Atlantic City, NJ	LLC	Member/President	05/02/10	1/19/2017
30	DJ Aerospace (Bermuda) Limited	Bermuda	Foreign Corporation	President/Director	03/09/94	1/19/2017
31	DJT Entrepreneur Managing Member LLC (f/k/a DJT University Managing Member LLC)	New York, NY	LLC	Member & President	10/25/04	1/19/2017
32	DJT Entrepreneur Member LLC (f/k/a DJT University Member LLC)	New York, NY	LLC	Member & President	10/25/04	1/19/2017
33	DJT Holdings LLC	New York, NY	LLC	Member & President	11/29/2010 & 12/2/2010	1/19/2017
34	DJT Holdings Managing Member LLC	New York, NY	LLC	Member & President	12/02/10	1/19/2017
35	DJT Land Holdings Member Corp	New York, NY	Corporation	President /Director	01/16/12	1/19/2017
36	DJT Operations I LLC	Palm Beach, Florida	LLC	Member/President	07/15/10	1/19/2017
37	DJT Operations II LLC	Palm Beach, Florida	LLC	Member/President	07/15/10	1/19/2017
38	DJT Operations CK LLC	Waterbury, CT	LLC	Member/President	09/12/12	1/19/2017
39	DSN Licensing LLC (f/k/a Trump Marks Network LLC)	New York, NY	LLC	Member/President	02/26/09	11/9/2016
40	DSN Licensing Member Corp (f/k/a Trump Marks Network Member Inc)	New York, NY	Corporation	Director/Chairman & President	1/14/2009 & 2/26/09	11/9/2016
41	DT APP Warrant Holding LLC	New York, NY	LLC	Member/President	03/02/12	1/19/2017
42	DT APP Warrant Holding Managing Member Corp	New York, NY	Corporation	Director/Chairman/President	03/02/12	1/19/2017
43	DT Connect II LLC	Palm Beach, Florida	LLC	Member/President	07/31/14	1/19/2017
44	DT Connect II Member Corp	Palm Beach, Florida	Corporation	Director/Chairman/President	07/31/14	1/19/2017
45	DT Connect LLC	Palm Beach, Florida	LLC	Member/President	02/27/12	10/26/2015
46	DT Connect Managing Member Corp	Palm Beach, Florida	Corporation	Director/Chairman/President	02/27/12	10/22/2015
47	DT Dubai Golf Manager LLC	New York, NY	LLC	Member/President	03/20/13	1/19/2017
48	DT Dubai Golf Manager Member Corp	New York, NY	Corporation	Director/Chairman/President	03/20/13	1/19/2017

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Instructions for Part 1

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Filer's Name	Page Number
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Part 1: Filer's Positions Held Outside United States Government

#	Organization Name	City/State	Organization Type	Position Held	From	To
49	DT Dubai II Golf Manager LLC	New York, NY	LLC	Member/President	10/30/14	1/19/2017
50	DT Dubai II Golf Manager Member Corp	New York, NY	Corporation	Director/Chairman/President	10/30/14	1/19/2017
51	DT Home Marks International LLC	New York, NY	LLC	Member/President	07/12/13	1/19/2017
52	DT Home Marks International Member Corp	New York, NY	Corporation	Director/Chairman/President	07/12/13	1/19/2017
53	DT India Venture LLC	New York, NY	LLC	Member/President	01/09/12	1/19/2017
54	DT India Venture Managing Member Corp	New York, NY	Corporation	Director/Chairman/President	01/09/12	1/19/2017
55	DT Marks Baku LLC	New York, NY	LLC	Member/President	04/10/12	1/19/2017
56	DT Marks Baku Managing Member Corp	New York, NY	Corporation	Director/Chairman/President	04/10/12	1/19/2017
57	DT Marks Dubai LLC	New York, NY	LLC	Member/President	09/05/13	1/19/2017
58	DT Marks Dubai Member Corp	New York, NY	Corporation	Director/Chairman/President	09/05/13	1/19/2017
59	DT Marks Dubai II LLC	New York, NY	LLC	Member/President	10/30/14	11/20/2015
60	DT Marks Dubai II Member Corp	New York, NY	Corporation	Director/Chairman/President	10/30/14	11/20/2015
61	DT Marks Gurgaon LLC	New York, NY	LLC	Member/President	10/28/14	1/19/2017
62	DT Marks Gurgaon Managing Member Corp	New York, NY	Corporation	Director/Chairman/President	10/30/14	1/19/2017
63	DT Marks Jersey City LLC	New York, NY	LLC	Member/President	10/30/14	1/19/2017
64	DT Marks Jupiter LLC	New York, NY	LLC	Member/President	06/29/14	1/19/2017
65	DT Marks Qatar LLC	New York, NY	LLC	Member/President	10/30/14	1/19/2017
66	DT Marks Qatar Member Corp	New York, NY	Corporation	Director/Chairman/President	10/30/14	1/19/2017
67	DT Marks Products International LLC	New York, NY	LLC	Member/President	09/13/13	1/19/2017
68	DT Marks Products International Member Corp	New York, NY	Corporation	Director/Chairman/President	09/13/13	1/19/2017
69	DT Marks Pune LLC	New York, NY	LLC	Member/President	01/09/12	1/19/2017
70	DT Marks Pune Managing Member Corp	New York, NY	Corporation	Director/Chairman/President	01/09/12	1/19/2017
71	DT MARKS PUNE II LLC	New York, NY	LLC	Member/President	06/18/14	1/19/2017
72	DT Marks Pune II Managing Member Corp	New York, NY	Corporation	Director/Chairman/President	06/18/14	1/19/2017
73	DT Marks Rio LLC	New York, NY	LLC	Member/President	03/09/12	1/19/2017
74	DT Marks Rio Member Corp	New York, NY	Corporation	Director/Chairman/President	03/09/12	1/19/2017
75	DT Marks Vancouver LP	New York, NY	Partnership	Partner/President	01/22/13	1/19/2017
76	DT Marks Vancouver Manager Corp	New York, NY	Corporation	Director/Chairman/President	01/22/13	1/19/2017
77	DT Marks Worli LLC	New York, NY	LLC	Member/President	05/21/13	1/19/2017
78	DT Marks Worli Member Corp	New York, NY	Corporation	Director/Chairman/President	05/21/13	1/19/2017
79	DT Tower Gurgaon LLC	New York, NY	LLC	Member/President	03/09/15	1/19/2017
80	DT Tower Gurgaon Managing Member Corp	New York, NY	Corporation	Director/Chairman/President	03/09/15	1/19/2017
81	DTW Venture LLC	New York, NY	LLC	Member	03/14/14	1/19/2017
82	DTW Venture Managing Member Corp	New York, NY	Corporation	Director/President	03/14/14	1/19/2017
83	East 61 St Company, L.P., The	New York, NY	Partnership	Partner	12/05/96	1/19/2017
84	EID Venture I LLC	New York, NY	LLC	Member	05/01/13	1/19/2017
85	EID Venture I Corporation	New York, NY	Corporation	President/Director	05/01/13	1/19/2017
86	Excel Venture I LLC	St. Martin, French West Indi	LLC	President/Secretary/Treasurer/Member	07/01/13	1/19/2017
87	Excel Venture I Corp.	St. Martin, French West Indi	Corporation	Director/Chairman/President	07/01/13	1/19/2017
88	Fifty Seven Management Corp	New York, NY	Corporation	Director/Chairman	08/23/12	1/19/2017
89	Fifty Seventh Street Associates LLC	New York, NY	LLC	President	11/30/95	1/19/2017
90	First Member, Inc.	New York, NY	Corporation	President	09/26/96	1/19/2017
91	Flights, Inc. (Formerly Trump Flights, Inc.)	New York, NY	Corporation	President/Treasurer/Director	07/01/99	1/19/2017
92	Florida Properties Management LLC	Palm Beach, Florida	LLC	Member	12/17/01	1/19/2017
93	Fontainbleu Apartments LLC	New York, NY	LLC	Member	11/22/95	1/19/2017
94	Golf Productions LLC	New York, NY	LLC	Member/President	06/16/09	1/19/2017

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Instructions for Part 1

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Part 1: Filer's Positions Held Outside United States Government

#	Organization Name	City/State	Organization Type	Position Held	From	To
95	Golf Productions Member Corp.	New York, NY	Corporation	President/Director/Chairman	05/16/09	1/19/2017
96	Golf Recreation Scotland Limited	Turnberry, Scotland	Foreign Entity	Director	04/18/14	1/19/2017
97	Helicopter Air Services, Inc.	New York, NY	Corporation	President	08/16/88	1/19/2017
98	Highlander Hall, Inc.	New York, NY	Corporation	Director/Vice President	08/01/69	10/15/2015
107	Indian Hills Holdings LLC f/k/a Indian Hills Development LLC	New York, NY	LLC	Member/President	2/5/1998 & 8/2000	1/19/2017
108	Jupiter Golf Club LLC (Trump National Golf Club - Jupiter)	New York, NY	LLC	President	09/28/12	1/19/2017
109	Jupiter Golf Club Managing Member Corp	New York, NY	Corporation	President/Director/Chairman	09/28/12	1/19/2017
110	Lamington Family Holdings LLC	New York, NY	LLC	President/Member	7/7/2011 & 7/6/2011	1/19/2017
111	Lawrence Towers Apartments LLC	New York, NY	LLC	Member	11/22/95	1/19/2017
112	LFB Acquisition LLC	New York, NY	LLC	President	08/29/02	1/19/2017
113	LFB Acquisition Member Corp	New York, NY	Corporation	President/Director/Chairman	11/09/11	1/19/2017
114	Mar A Lago Club, Inc	Palm Beach, Florida	Corporation	President/Treasurer/Secretary	04/16/96	1/19/2017
115	Mar A Lago Club, L.L.C.	New York, NY	LLC	Member/President	01/14/10	1/19/2017
116	Midland Associates	New York, NY	Partnership	Partner	06/15/88	1/19/2017
117	Miss Universe L.P., L.L.L.P. (Formerly Trump Pageants, L.P.)	New York, NY	Partnership	Partner	October, 1996	1/19/2017
118	Nitto World Co., Limited	Turnberry, Scotland	Foreign Entity	Director	05/11/14	1/19/2017
119	Ocean Development Member Inc.	New York, NY	Corporation	President/Director	03/08/07	1/19/2017
120	Ocean Development Services LLC	New York, NY	LLC	Member	03/08/07	10/28/2015
121	OPO Hotel Manager LLC	New York, NY	LLC	President	05/12/13	1/19/2017
122	OPO Hotel Manager Member Corp	New York, NY	Corporation	Director/Chairman/President	05/12/13	1/19/2017
123	OWO Developer LLC	New York, NY	LLC	President/Member	11/05/14	1/19/2017
124	Panama Ocean Club Management LLC	New York, NY	LLC	Member/President	08/05/10	1/19/2017
125	Panama Ocean Club Management Member Corp	New York, NY	Corporation	President/Chairman/Director	08/05/10	1/19/2017
126	Paramount RPV Holdings LLC	New York, NY	LLC	Member/President	11/7/2011 & 12/13	10/14/2016
127	Paramount RPV Holdings Manager Corp	New York, NY	Corporation	President/Director/Chairman	01/03/13	10/14/2016
128	Parc Consulting, Inc.	New York, NY	Corporation	President/Director/Secretary	08/01/69	1/19/2017
129	Park Briar Associates	New York, NY	Partnership	Partner	06/24/69	1/19/2017
130	Pine Hill Development Managing Member Corp	New York, NY	Corporation	Director & Chairman/President	4/19/14 & 4/15/14 & 4/15/14	1/19/2017
131	Pine Hill Development LLC	New York, NY	LLC	President	04/15/14	1/19/2017
132	Plaza Consulting Corp	New York, NY	Corporation	President	10/22/86	1/19/2017
133	Poker Venture LLC	New York, NY	LLC	Member/President	03/19/12	1/19/2017
134	Poker Venture Managing Member Corp	New York, NY	Corporation	Director/President/Chairman	03/19/12	1/19/2017
135	Reg Tru Equities, LTD.	New York, NY	Corporation	Director/President/Secretary/Treasurer	8/7/60 & 8/26/77	1/19/2017
136	RPV Development LLC	New York, NY	LLC	Member/President	08/05/02	1/19/2017
137	Scotland Acquisitions LLC	New York, NY	LLC	Member/President	03/21/06	1/19/2017
138	Sentient Jets LLC (Now/KnownAs Trump Jets LLC)	New York, NY	LLC	Member	09/25/08	11/9/2016
139	Sentient Jets Member Corp	New York, NY	Corporation	President/Director	09/25/08	11/9/2016
140	Seven Springs LLC	New York, NY	LLC	President	Dec. 1995	1/19/2017
142	Shore Haven Apt#1,Inc	New York, NY	Corporation	Director/Vice President	08/01/69	1/19/2017
143	Shore Haven Shopping Center LLC	New York, NY	LLC	Member	11/22/95	1/19/2017
144	SLC Turnberry Limited (Trump Turnberry)	Turnberry, Scotland	Foreign Entity	Director/Chairman	06/11/14	1/19/2017
147	Sussex Hall, Inc.	New York, NY	Corporation	Director/Vice President	08/01/69	1/19/2017
148	Restaurant 40 LLC	New York, NY	LLC	Member/President	12/21/2011 & 12/24/11	11/9/2016
149	Restaurant 40 Member Corp	New York, NY	Corporation	President/Director/Chairman/Treasurer/Secretary	12/24/11	11/9/2016
150	T International Realty LLC (dba Trump International Realty)	New York, NY	LLC	Member/President	08/12/12	1/19/2017
151	Tag Air, Inc.	New York, NY	Corporation	President/Director	08/24/10	1/19/2017

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Instructions for Part 1

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Part 1: Filer's Positions Held Outside United States Government

#	Organization Name	City/State	Organization Type	Position Held	From	To
153	THC Baku Hotel Manager Services LLC	New York, NY	LLC	President/Member	12/19/14	1/19/2017
154	THC Baku Hotel Manager Services Member Corp.	New York, NY	Corporation	Director/Chairman/President	12/19/14	1/19/2017
155	THC Baku Services LLC	New York, NY	LLC	Member/President	12/10/14	1/19/2017
156	THC Baku Services Member Corp	New York, NY	Corporation	Director/Chairman/President	12/10/14	1/19/2017
157	THC Barra Hotelaria LTDA.	Brazil	Foreign Entity	Member	04/15/14	1/19/2017
158	THC Central Reservations LLC	New York, NY	LLC	Member/President	09/16/13	1/19/2017
159	THC Central Reservations Member Corp	New York, NY	Corporation	Chairman/Director/President	09/16/13	1/19/2017
160	THC China Development LLC (fka Trump China Development LLC)	New York, NY	LLC	President	02/20/08	1/19/2017
162	THC Development Brazil Managing Member Corp	New York, NY	Corporation	Chairman/Director/President	05/15/13	1/19/2017
163	THC Development Brazil LLC	New York, NY	LLC	Member/President	05/15/13	1/19/2017
164	THC Dubai II Hotel Manager LLC	New York, NY	LLC	Member/President	10/30/14	11/20/2015
165	THC Dubai II Hotel Manager Member Corp	New York, NY	Corporation	Chairman/Director/President	10/30/14	11/20/2015
166	THC Hotel Development LLC	New York, NY	LLC	Member/President	10/11/12	1/19/2017
167	THC IMEA Development LLC	New York, NY	LLC	President	01/18/12	1/19/2017
168	THC Miami Restaurant Hospitality Member Corp	New York, NY	Corporation	Chairman/Director/President	02/01/13	1/19/2017
169	THC Miami Restaurant Hospitality LLC	New York, NY	LLC	Member/President	02/01/13	1/19/2017
170	THC Rio Managing Member Corp	New York, NY	Corporation	Chairman/Director/President	04/11/13	1/19/2017
171	THC Rio Manager LLC	New York, NY	LLC	Member/President	04/11/13	1/19/2017
172	THC Sales & Marketing LLC	New York, NY	LLC	Member/President	09/17/13	1/19/2017
173	THC Sales & Marketing Member Corp	New York, NY	Corporation	Chairman/Director/President	09/17/13	1/19/2017
174	THC China Technical Services Manager Corp	New York, NY	Corporation	Chairman/Director/President	05/16/14	1/19/2017
175	THC China Technical Services LLC	New York, NY	LLC	Member/President	05/16/14	1/19/2017
176	THC Qatar Hotel Manager LLC	New York, NY	LLC	Member/President	10/30/14	1/19/2017
177	THC Qatar Hotel Manager Member Corp	New York, NY	Corporation	Chairman/Director/President	10/30/14	10/18/2016
178	THC Services Shenzhen LLC	New York, NY	LLC	Member/President	11/25/14	1/19/2017
179	THC Services Shenzhen Member Corp	New York, NY	Corporation	Chairman/Director/President	11/25/14	1/19/2017
180	THC Shenzhen Hotel Manager LLC	New York, NY	LLC	Member/President	11/25/14	1/19/2017
181	THC Shenzhen Hotel Manager Member Corp	New York, NY	Corporation	Chairman/Director/President	11/25/14	1/19/2017
182	THC Vancouver Management Corp	New York, NY	Corporation	Chairman/Director/President	01/23/13	1/19/2017
183	THC Vancouver Payroll ULC	British Columbia (Canada)	Corporation	Director/President	02/20/15	1/19/2017
184	THC Venture I LLC	New York, NY	LLC	Member/President	03/14/14	1/19/2017
185	THC Venture II LLC	New York, NY	LLC	Member/President	03/14/14	1/19/2017
186	THC Venture III LLC - NKIA TTTT Venture LLC	New York, NY	LLC	President/	10/27/14	1/19/2017
187	THC Venture I Managing Member Corp.	New York, NY	Corporation	Chairman/Director/President	03/14/14	1/19/2017
188	THC Venture II Managing Member Corp.	New York, NY	Corporation	Chairman/Director/President	03/14/14	1/19/2017
189	THC Venture III Member Corp - NKIA TTTT Venture Member Corp	New York, NY	Corporation	Chairman/Director/President	10/27/14	1/19/2017
190	The Donald J. Trump Foundation, Inc.	New York, NY	Non profit.	Director	02/18/87	1/19/2017
191	The Trump Corporation	New York, NY	Corporation	Director/President/Chairman	07/30/80	1/19/2017
192	The Trump Follies Member Inc.	New York, NY	Corporation	Chairman/Director/President	12/13/10	1/19/2017
193	The Trump Equitable Fifth Avenue Company	New York, NY	Partnership	Partner	01/30/80	1/19/2017
194	TIGL Common Area Management Corp	New York, NY	Corporation	President/Director	02/21/14	1/19/2017
195	TIGL Common Area Management Holdings LLC	New York, NY	LLC	Member/President	02/21/14	12/30/2015
196	TIGL Ireland Enterprises Limited (Trump International Golf Links - Doonbeg)	Doonbeg, Ireland	Foreign Entity	Director/President	02/24/14	1/19/2017
197	TIGL Ireland Management Limited	Doonbeg, Ireland	Foreign Entity	President/Director	02/24/14	1/19/2017
198	TIHC Reservations LLC	New York, NY	LLC	Member/President	08/09/10	1/19/2017
199	TIHH Member Corp	New York, NY	Corporation	President/Director	09/10/09	1/19/2017

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Part 1: Filer's Positions Held Outside United States Government

#	Organization Name	City/State	Organization Type	Position Held	From	To
200	TBH Member LLC	New York, NY	LLC	Member/President	09/10/09	1/19/2017
201	TBHM Member Corp	New York, NY	Corporation	President/Director	06/13/06	1/19/2017
202	TBHT Chicago Member Acquisition LLC	New York, NY	LLC	President	06/03/04	1/19/2017
203	TBHT Commercial LLC	New York, NY	LLC	Member/President	12/30/98	1/19/2017
204	TBHT Holding Company LLC	New York, NY	LLC	Member/President	01/18/05	1/19/2017
205	TBHT Member LLC	New York, NY	LLC	Member/President	07/20/06	1/19/2017
206	Tipperary Realty Corp.	New York, NY	Corporation	President/Treasurer/Director	11/13/75	1/19/2017
207	TMG Member, LLC	New York, NY	LLC	Member	01/15/99	1/19/2017
208	TNGC Charlotte LLC	New York, NY	LLC	President	10/20/11	1/19/2017
209	TNGC Charlotte Manager Corp	New York, NY	Corporation	President/Chairman/Director	10/20/11	1/19/2017
210	TNGC Dutchess County LLC (fka Trump Marks Classis Cars LLC)	New York, NY	LLC	President	11/17/09	1/19/2017
211	TNGC Dutchess County Member Corp (fka Trump Marks Classic Cars Member Corp)	New York, NY	Corporation	President/Chairman/Director	11/17/09	1/19/2017
212	TNGC Jupiter Management LLC	New York, NY	LLC	President	06/26/14	1/19/2017
213	TNGC Jupiter Managing Member Corp	New York, NY	Corporation	President/Chairman/Director	06/26/14	1/19/2017
214	TNGC Pine Hill LLC (fka Crest Court LLC) (Trump National Golf Club - Philadelphia)	New York, NY	LLC	President	11/17/09	1/19/2017
215	TNGC Pine Hill Member Corp. (fka Crest Court Member Corp)	New York, NY	Corporation	President/Chairman/Director	11/17/09	1/19/2017
216	Toronto Development LLC	New York, NY	LLC	Member/President	06/28/01	1/19/2017
217	TP CFD LLC	New York, NY	LLC	Member/President	11/28/12	10/18/2016
218	TP CFD Manager Corp.	New York, NY	Corporation	President/Chairman/Director	11/28/12	10/18/2016
219	Travel Enterprises Management, Inc (Formerly Toys at Trump, Inc.)	New York, NY	Corporation	President/CEO	03/24/86	1/19/2017
220	Trump 106 CPS LLC	New York, NY	LLC	Member/President	03/28/97	1/19/2017
223	Trump 845 LP LLC	New York, NY	LLC	Member/President	09/19/03	1/19/2017
224	Trump 845 UN GP LLC	New York, NY	LLC	Member/President/Treasurer	06/20/97	1/19/2017
225	Trump 845 UN MGR Corp	New York, NY	Corporation	President	10/14/98	1/19/2017
226	Trump 845 UN MGR LLC (F/K/A 845 UN LLC)	New York, NY	LLC	President/Treasurer/Member	05/14/97	1/19/2017
227	Trump AC Casino Marks LLC	New York, NY	LLC	President/Member	08/03/10	1/19/2017
228	Trump AC Casino Marks Member Corp	New York, NY	Corporation	President/Chairman/Director	08/03/10	1/19/2017
229	Trump Acquisition Corp.	New York, NY	Corporation	President/Chairman/Director	02/05/08	1/19/2017
230	Trump Acquisition, LLC	New York, NY	LLC	Member/President	02/05/08	1/19/2017
231	Trump Books LLC	New York, NY	LLC	Member/President	10/03/11	1/19/2017
232	Trump Books Manager Corp	New York, NY	Corporation	President/Chairman/Director	10/03/11	1/19/2017
233	Trump Brazil LLC	New York, NY	LLC	President/Member	09/08/03	1/19/2017
234	Trump Briarcliff Manor Development LLC (formerly Briar Hall Development LLC)	New York, NY	LLC	President	03/04/96	1/19/2017
235	Trump Canadian Services Inc	New York, NY	Corporation	President/Secretary	March-03	1/19/2017
236	Trump Canouan Estate LLC	New York, NY	LLC	President/Member	12/19/07	1/19/2017
237	Trump Canouan Estate Member Corp	New York, NY	Corporation	President/Chairman/Director	12/19/07	1/19/2017
238	Trump Caribbean LLC	New York, NY	LLC	Member	08/27/01	1/19/2017
239	Trump Carousel LLC	New York, NY	LLC	President/Member	02/18/10	1/19/2017
240	Trump Carousel Member Corp	New York, NY	Corporation	President/Chairman/Director	02/18/10	1/19/2017
241	Ace Entertainment Holdings Inc (f/k/a Trump Casinos Inc. & Formerly Trump Taj Mahal, Inc.)	Atlantic City, NJ	Corporation	Chairman/Treasurer	08/03/88	1/19/2017
242	Trump Central Park West Corp	New York, NY	Corporation	President	September-94	1/19/2017
243	Trump Chicago Commercial Member Corp	New York, NY	Corporation	President/Chairman/Director	07/08/10	1/19/2017
244	Trump Chicago Commercial Manager LLC	New York, NY	LLC	President/Member	05/28/10	1/19/2017
245	Trump Chicago Development LLC	New York, NY	LLC	President/Member	12/26/01	1/19/2017
246	Trump Chicago Hotel Member Corp	New York, NY	Corporation	President/Chairman/Director	07/08/10	1/19/2017
247	Trump Chicago Hotel Manager LLC	New York, NY	LLC	President/Member	05/28/10	1/19/2017

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Instructions for Part 1

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Filer's Name	Page Number
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Part 1: Filer's Positions Held Outside United States Government

#	Organization Name	City/State	Organization Type	Position Held	From	To
248	Trump Chicago Managing Member LLC	New York, NY	LLC	President	10/01/04	1/19/2017
249	Trump Chicago Member LLC	New York, NY	LLC	President	October-04	1/19/2017
250	Trump Chicago Residential Member Corp	New York, NY	Corporation	President/Chairman/Director	07/08/10	1/19/2017
251	Trump Chicago Residential Manager LLC	New York, NY	LLC	President/Member	06/28/10	1/19/2017
252	Trump Chicago Retail LLC	New York, NY	LLC	President	10/16/12	1/19/2017
253	Trump Chicago Retail Manager LLC	New York, NY	LLC	President/Member	10/23/12	1/19/2017
254	Trump Chicago Retail Member Corp	New York, NY	Corporation	President/Chairman/Director	10/23/12	1/19/2017
255	Trump Classic Cars LLC	New York, NY	LLC	President/Member	06/24/10	10/17/2016
256	Trump Classic Cars Member Corp	New York, NY	Corporation	President/Chairman/Director	06/24/10	10/17/2016
257	Trump Commercial Chicago LLC	New York, NY	LLC	President	08/29/07	1/19/2017
260	Trump CPS Corp	New York, NY	Corporation	Director	11/06/96	1/19/2017
261	Trump CPS LLC	New York, NY	LLC	Member & President	11/6/1996 & 11/16/06	1/19/2017
262	Trump Delmonico LLC	New York, NY	LLC	Member	11/21/01	1/19/2017
263	Trump Development Services LLC	New York, NY	LLC	President/Member	09/28/09	1/19/2017
264	Trump Development Services Member Corp.	New York, NY	Corporation	President/Director	09/28/09	1/19/2017
265	Trump Drinks Israel Holdings LLC	New York, NY	LLC	Member/President	05/25/11	10/26/2015
266	Trump Drinks Israel Holdings Member Corp	New York, NY	Corporation	President/Director/Chairman	05/25/11	10/22/2015
267	Trump Drinks Israel LLC	New York, NY	LLC	Member/President	05/25/11	1/19/2017
268	Trump Drinks Israel Member Corp	New York, NY	Corporation	President/Director/Chairman	05/25/11	1/19/2017
269	Trump Education ULC	Nova Scotia (Canada)	Corporation	Chairman/Director	05/28/09	1/19/2017
270	Trump Empire State, Inc.	New York, NY	Corporation	President/Treasurer/Director	04/18/94	1/19/2017
271	Trump Endeavor 12 LLC (Trump National Doral)	New York, NY	LLC	President	10/06/11	1/19/2017
272	Trump Endeavor 12 Manager Corp	New York, NY	Corporation	President/Director/Chairman	10/06/11	1/19/2017
273	Trump EU Marks LLC	New York, NY	LLC	Member/President/Secretary/Treasurer	08/04/11	1/19/2017
274	Trump EU Marks Member Corp	New York, NY	Corporation	President/Director/Chairman	08/04/11	1/19/2017
275	The Trump Entrepreneur Initiative LLC (f/k/a Trump University CA LLC)	New York, NY	LLC	Member	05/14/09	1/19/2017
276	Trump Ferry Point LLC	New York, NY	LLC	President/Member	06/04/10	1/19/2017
277	Trump Ferry Point Member Corp	New York, NY	Corporation	President/Director/Chairman	06/04/10	1/19/2017
278	Trump Florida Management LLC	New York, NY	LLC	Member	06/13/05	1/19/2017
279	Trump Florida Manager Corp.	New York, NY	Corporation	Director/President	06/10/05	1/19/2017
280	The Trump Follies LLC	New York, NY	LLC	Member & President	12/14/06	1/19/2017
283	Trump Golf Acquisition LLC	New York, NY	LLC	Member/President	04/23/10	1/19/2017
284	Trump Golf Coco Beach LLC	New York, NY	LLC	Member/President	12/11/07	1/19/2017
285	Trump Golf Coco Beach Member Corp	New York, NY	Corporation	Director/President	12/11/07	1/19/2017
286	Trump Golf Management LLC	New York, NY	LLC	Member/President	01/28/05	1/19/2017
287	Trump Home Marks LLC	New York, NY	LLC	Member/President	11/19/09	1/19/2017
288	Trump Home Marks Member Corp	New York, NY	Corporation	President/Director	11/19/09	1/19/2017
289	Trump Ice LLC	New York, NY	LLC	President/Member	03/25/04	1/19/2017
290	Trump Ice, Inc.	New York, NY	Corporation	Director/President	03/03/99	1/19/2017
293	Trump International Development LLC	New York, NY	LLC	Member/President	11/29/10	1/19/2017
294	Trump International Development Member Corp	New York, NY	Corporation	President/Director/Chairman	11/29/10	1/19/2017
295	Trump International Golf Club LC (Trump International Golf Club - Florida)	Palm Beach, Florida	LLC	Member & President	5/3/1997 & 11/1/13	1/19/2017
296	Trump International Golf Club Scotland Limited	Aberdeen, Scotland	Foreign Entity	Director & Chairman	1/24/05 & 3/13/05	1/19/2017
297	Trump International Golf Club, Inc.	Palm Beach, Florida	Corporation	President/Director/Secretary/Treasurer	12/09/96	1/19/2017
298	Trump International Hotel and Tower Condominium	New York, NY	Condominium Association	President	September-98	1/19/2017
299	Trump International Hotel Hawaii LLC	New York, NY	LLC	President	09/10/09	1/19/2017

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Instructions for Part 1

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Part 1: Filer's Positions Held Outside United States Government

#	Organization Name	City/State	Organization Type	Position Held	From	To
300	Trump International Hotels Management LLC	New York, NY	LLC	President/Member	06/13/06	1/19/2017
301	Trump International Management Corp	New York, NY	Corporation	President/Director	07/02/98	1/19/2017
304	Trump Korean Projects LLC	New York, NY	LLC	Member	05/04/99	1/19/2017
305	Trump Las Clas LLC	New York, NY	LLC	Member	06/10/05	1/19/2017
306	Trump Las Clas Member Corp	New York, NY	Corporation	Director/President	06/10/05	1/19/2017
307	Trump Las Vegas Corp.	Las Vegas, NV	Corporation	Director/President	12/04/09	1/19/2017
308	Trump Las Vegas Development LLC	Las Vegas, NV	LLC	President/Member	10/10/02	1/19/2017
309	Trump Las Vegas Managing Member LLC	Las Vegas, NV	LLC	President/Member	10/10/02	1/19/2017
312	Trump Las Vegas Member LLC	Las Vegas, NV	LLC	President/Member	10/01/02	1/19/2017
314	Trump Las Vegas Sales & Marketing Inc	Las Vegas, NV	Corporation	President	10/08/04	1/19/2017
316	Trump Lauderdale Development 2 LLC	New York, NY	LLC	Member	09/08/04	1/19/2017
317	Trump Lauderdale Development LLC	New York, NY	LLC	President & Member	1/12/04 & 9/22/2003	1/19/2017
318	Trump Management Inc.	New York, NY	Corporation	Director & VP	04/22/69	1/19/2017
319	Trump Marketing LLC	New York, NY	LLC	Member/President	02/10/11	1/19/2017
320	Trump Marks Asia Corp	New York, NY	Corporation	President/Chairman/Director	03/03/08	1/19/2017
321	Trump Marks Asia LLC	New York, NY	LLC	President	2/29/2008 11/1/411 & 2/29/08	1/19/2017
322	Trump Marks Atlanta LLC	New York, NY	LLC	Member/President	05/01/08	1/19/2017
323	Trump Marks Atlanta Member Corp	New York, NY	Corporation	President/Director/Chairman	05/01/08	1/19/2017
324	Trump Marks Baja Corp.	New York, NY	Corporation	President/Director	06/13/07	10/22/2015
325	Trump Marks Baja LLC	New York, NY	LLC	Member & President	06/13/07	10/26/2015
326	Trump Marks Balumi LLC	New York, NY	LLC	Member & President	3/3/11 & 3/9/11	1/19/2017
327	Trump Marks Balumi Member Corp	New York, NY	Corporation	President/Director/Chairman	03/09/11	1/19/2017
328	Trump Marks Beverages Corp	New York, NY	Corporation	President/Director/Chairman	09/25/07	10/22/2015
329	Trump Marks Beverages LLC	New York, NY	LLC	Member/President	09/25/07	10/26/2015
330	Trump Marks Canouan Corp	New York, NY	Corporation	President/Director/Chairman	05/17/07	1/19/2017
331	Trump Marks Canouan LLC	New York, NY	LLC	Member/President	05/17/07	1/19/2017
332	Trump Marks Chicago LLC	New York, NY	LLC	Member/President	04/14/10	1/19/2017
333	Trump Marks Chicago Member Corp	New York, NY	Corporation	President/Director/Chairman	04/14/10	1/19/2017
336	Trump Marks Dubai Corp	New York, NY	Corporation	President/Director/Chairman	06/13/07	1/19/2017
337	Trump Marks Dubai LLC	New York, NY	LLC	President/Member	06/13/07	1/19/2017
338	Trump Marks Egypt Corp	New York, NY	Corporation	President/Director/Chairman	09/17/07	1/19/2017
339	Trump Marks Egypt LLC	New York, NY	LLC	President/Member	09/17/07	1/19/2017
340	Trump Marks Fine Foods LLC	New York, NY	LLC	President/Member	09/11/09	1/19/2017
341	Trump Marks Fine Foods Member Corp	New York, NY	Corporation	President/Director/Chairman	09/11/09	1/19/2017
342	Trump Marks Ft. Lauderdale LLC	New York, NY	LLC	President/Member	11/06/07	1/19/2017
343	Trump Marks Ft. Lauderdale Member Corp	New York, NY	Corporation	President/Director/Chairman	11/06/07	1/19/2017
346	Trump Marks GP Corp	New York, NY	Corporation	President/Director/Chairman	07/12/05	1/19/2017
347	Trump Marks Holding LP (FKA Trump Marks LP)	New York, NY	Partnership	Partner	05/25/05	1/19/2017
348	Trump Marks Hollywood Corp	New York, NY	Corporation	Director/Chairman/President	04/10/07	1/19/2017
349	Trump Marks Hollywood LLC	New York, NY	LLC	President/Member	04/09/07	1/19/2017
350	Trump Marks Istanbul II Corp.	New York, NY	Corporation	Director/Chairman/President	03/19/08	1/19/2017
351	Trump Marks Istanbul II LLC	New York, NY	LLC	President/Member	03/18/08	1/19/2017
352	Trump Marks Jersey City Corp.	New York, NY	Corporation	Director/President	06/27/07	1/19/2017
353	Trump Marks Jersey City LLC	New York, NY	LLC	President/Member	06/22/07	1/19/2017
354	Trump Marks Las Vegas Corp	New York, NY	Corporation	Director/President	09/10/07	1/19/2017
355	Trump Marks Las Vegas LLC	New York, NY	LLC	President/Member	09/10/07	1/19/2017

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Instructions for Part 1

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Part 1: Filer's Positions Held Outside United States Government

#	Organization Name	City/State	Organization Type	Position Held	From	To
356	Trump Marks LLC	New York, NY	LLC	President	02/28/05	1/19/2017
357	Trump Marks Magazine Corp	New York, NY	Corporation	Director/President	09/11/07	11/8/2016
358	Trump Marks Magazine LLC	New York, NY	LLC	President/Member	09/11/07	11/8/2016
359	Trump Marks Mattress LLC	New York, NY	LLC	President/Member	08/07/08	1/19/2017
360	Trump Marks Mattress Member Corp.	New York, NY	Corporation	Director/Chairman/President	08/07/08	1/19/2017
361	Trump Marks Menswear LLC	New York, NY	LLC	President/Member	08/24/09	1/19/2017
362	Trump Marks Menswear Member Corp	New York, NY	Corporation	Director/President	08/24/09	1/19/2017
363	Trump Marks Mortgage Corp.	New York, NY	Corporation	President/Director	06/19/07	1/19/2017
364	Trump Marks Mtg LLC	New York, NY	LLC	President/Member	08/23/07	1/19/2017
365	Trump Marks Mumbai LLC	New York, NY	LLC	President/Member	10/11/10	1/19/2017
366	Trump Marks Mumbai Member Corp	New York, NY	Corporation	President/Director/Chairman	10/11/10	1/19/2017
369	Trump Marks New Rochelle Corp.	New York, NY	Corporation	Director/President	06/13/07	1/19/2017
370	Trump Marks New Rochelle LLC	New York, NY	LLC	President/Member	06/13/07	1/19/2017
371	Trump Marks Palm Beach Corp.	New York, NY	Corporation	Director/President	06/12/07	1/19/2017
372	Trump Marks Palm Beach LLC	New York, NY	LLC	President/Member	06/12/07	1/19/2017
373	Trump Marks Panama Corp	New York, NY	Corporation	Director/President	04/26/07	1/19/2017
374	Trump Marks Panama LLC	New York, NY	LLC	President/Member	04/26/07	1/19/2017
375	Trump Marks Philadelphia Corp	New York, NY	Corporation	Director/President	04/18/07	1/19/2017
376	Trump Marks Philadelphia LLC	New York, NY	LLC	President/Member	04/18/07	1/19/2017
377	Trump Marks Philippines LLC	New York, NY	LLC	President/Member	03/03/08	1/19/2017
378	Trump Marks Philippines Corp	New York, NY	Corporation	Director/President	03/03/08	1/19/2017
379	Trump Marks Products LLC	New York, NY	LLC	President/Member	09/13/10	1/19/2017
380	Trump Marks Products Member Corp	New York, NY	Corporation	President/Director/Chairman	09/13/10	1/19/2017
381	Trump Marks Puerto Rico I LLC	New York, NY	LLC	President/Member	12/11/07	1/19/2017
382	Trump Marks Puerto Rico I Member Corp.	New York, NY	Corporation	Director/President	12/11/07	1/19/2017
383	Trump Marks Puerto Rico II LLC	New York, NY	LLC	President/Member	07/08/08	11/8/2016
384	Trump Marks Puerto Rico II Member Corp	New York, NY	Corporation	President/Chairman/Director	07/08/08	11/10/2016
385	Trump Marks Punta del Este LLC	New York, NY	LLC	President/Member	01/05/12	1/19/2017
386	Trump Marks Punta del Este Manager Corp	New York, NY	Corporation	President/Director/Chairman	01/05/12	1/19/2017
387	The Donald J. Trump Company LLC	New York, NY	LLC	Manager	04/07/14	1/19/2017
388	The Trump Marks Real Estate Corp	New York, NY	Corporation	Chairman/Director & President	02/23/07	1/19/2017
389	Trump Marks Real Estate LLC	New York, NY	LLC	President/Member	08/01/07	1/19/2017
390	Trump Marks SOHO License Corp	New York, NY	Corporation	President/Chairman/Director	06/11/07	1/19/2017
391	Trump Marks SOHO LLC	New York, NY	LLC	President/Member	06/11/07	1/19/2017
394	Trump Marks Stamford Corp	New York, NY	Corporation	Director/President	06/13/07	1/19/2017
395	Trump Marks Stamford LLC	New York, NY	LLC	President/Member	06/13/07	1/19/2017
396	Trump Marks Sunny Isles I LLC	New York, NY	LLC	President/Member	11/05/07	1/19/2017
397	Trump Marks Sunny Isles I Member Corp.	New York, NY	Corporation	Director/President	11/05/07	1/19/2017
398	Trump Marks Sunny Isles II LLC	New York, NY	LLC	President/Member	11/05/07	1/19/2017
399	Trump Marks Sunny Isles II Member Corp.	New York, NY	Corporation	Director/President	11/05/07	1/19/2017
400	Trump Marks Tampa Corp	New York, NY	Corporation	Director/President	10/26/07	1/19/2017
401	Trump Marks Tampa LLC	New York, NY	LLC	President/Member	10/26/07	1/19/2017
402	Trump Marks Toronto Corp	New York, NY	Corporation	Director/President	08/09/07	1/19/2017
403	Trump Marks Toronto LLC	New York, NY	LLC	President/Member	08/09/07	1/19/2017
404	Trump Marks Toronto LP (formally Trump Toronto Management LP)	New York, NY	Partnership	Partner	03/19/08	1/19/2017
405	Trump Marks Waikiki Corp	New York, NY	Corporation	Director/President	04/10/07	1/19/2017

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Instructions for Part 1

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Part 1: Filer's Positions Held Outside United States Government

#	Organization Name	City/State	Organization Type	Position Held	From	To
406	Trump Marks Waikiki LLC	New York, NY	LLC	President/Member	04/09/07	1/19/2017
407	Trump Marks Westchester Corp.	New York, NY	Corporation	Director/President	06/13/07	1/19/2017
408	Trump Marks Westchester LLC	New York, NY	LLC	President/Member	06/13/07	1/19/2017
409	Trump Marks White Plains Corp	New York, NY	Corporation	President/Director	06/13/07	1/19/2017
410	Trump Marks White Plains LLC	New York, NY	LLC	President/Member	06/13/07	1/19/2017
411	Trump Miami Resort Management LLC	New York, NY	LLC	President/Member	03/22/12	1/19/2017
412	Trump Miami Resort Management Member Corp	New York, NY	Corporation	President/Director/Chairman	03/22/12	1/19/2017
413	Trump National Golf Club Colts Neck LLC	New York, NY	LLC	President/Member	07/10/08	1/19/2017
414	Trump National Golf Club Colts Neck Member Corp	New York, NY	Corporation	President/Director/Chairman	07/10/08	1/19/2017
415	Trump National Golf Club LLC (Trump National Golf Club - Westchester)	New York, NY	LLC	President	08/02/00	1/19/2017
416	Trump National Golf Club Member Corp	New York, NY	Corporation	Director/President/Chairman	11/09/11	1/19/2017
417	Trump National Golf Club Washington DC LLC	New York, NY	LLC	President	02/03/09	1/19/2017
418	Trump National Golf Club Washington DC Member Corp.	New York, NY	Corporation	President/Chairman/Director	02/03/09	1/19/2017
419	Trump Ocean Manager Inc.	New York, NY	Corporation	President	09/14/06	11/10/2016
420	Trump Ocean Managing Member LLC	New York, NY	LLC	President	08/01/06	10/27/2015
421	Trump Old Post Office LLC	New York, NY	LLC	President/Member	06/30/11	1/19/2017
422	Trump Old Post Office Member Corp.	New York, NY	Corporation	President/Director/Chairman	06/30/11	1/19/2017
423	Trump On the Ocean LLC	New York, NY	LLC	President	9/14/06 & 2/27/2007	10/28/2015
424	Trump Organization LLC	New York, NY	LLC	Chairman and President/Member	2/1/09 & August,2000	1/19/2017
425	The Trump Organization, Inc.	New York, NY	Corporation	Director/President/Chairman	05/01/81	1/19/2017
426	Trump Pageants, Inc.	New York, NY	Corporation	Director & Chairman/President	10/16/96 & 5/1/05	1/19/2017
427	Trump Palace Condominium	New York, NY	Condominium Association	President	03/27/91	1/19/2017
428	Trump Palace/Parc LLC	New York, NY	LLC	Member	10/01/86	1/19/2017
429	Trump Panama Condominium Management LLC	New York, NY	LLC	President/Member	12/13/10	1/19/2017
430	Trump Panama Condominium Member Corp	New York, NY	Corporation	President/Director/Chairman	12/13/10	1/19/2017
431	Trump Panama Hotel Management LLC	New York, NY	LLC	Member	08/05/10	1/19/2017
432	Trump Panama Hotel Management Member Corp	New York, NY	Corporation	President/Director/Chairman	08/05/10	1/19/2017
433	Trump Parc East Condominium	New York, NY	Condominium Association	President	04/30/98	1/19/2017
434	Trump Park Avenue Acquisition LLC	New York, NY	LLC	Member/President	Nov. 2004	1/19/2017
435	Trump Park Avenue LLC	New York, NY	LLC	President	01/31/02	1/19/2017
436	Trump Payroll Chicago LLC	New York, NY	LLC	President	08/29/07	1/19/2017
437	Trump Payroll Corp.	New York, NY	Corporation	President/Treasurer/Secretary/Director	04/16/96	1/19/2017
438	Trump Phoenix Development LLC	New York, NY	LLC	President/Member	08/28/03	1/19/2017
439	Trump Plaza LLC	New York, NY	LLC	Member	10/27/97	1/19/2017
440	Trump Plaza Member Inc. (F/K/A Trump Plaza Corp.)	New York, NY	Corporation	Director/President/Treasurer	08/02/04	1/19/2017
442	Trump Productions LLC (former Rancho Lien LLC)	New York, NY	LLC	Member/President	05/18/06	1/19/2017
443	Trump Production Managing Member Inc	New York, NY	Corporation	Director/Chairman/President/Treasurer/Secretary	05/18/06	1/19/2017
444	Trump Project Management Corp.	New York, NY	Corporation	President	04/16/96	11/10/2016
446	Trump Realty Services, LLC (f/k/a Trump Mortgage Services LLC (03) & Tower Mortgage Services LLC)	Palm Beach, Florida	LLC	President/Member	05/09/00	1/19/2017
447	Trump Restaurants LLC	New York, NY	LLC	President/Member	07/31/12	1/19/2017
449	Trump Riverside Management LLC	New York, NY	LLC	Member	09/26/00	1/19/2017
450	Trump Ruffin Commercial LLC	New York, NY	LLC	President	07/25/07	1/19/2017
451	Trump Ruffin LLC	Las Vegas, NV	LLC	President	10/22/02	1/19/2017
452	Trump Ruffin Tower I LLC	Las Vegas, NV	LLC	President & Director	4/8/2005 & 7/12/05	1/19/2017
453	Trump Sales & Leasing Chicago LLC	Chicago, IL	LLC	Member/President	10/20/09 & 10/21/09	1/19/2017

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OGE Form 278e (March 2014)

Instructions for Part 1

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Part 1: Filer's Positions Held Outside United States Government

#	Orgzmiation Name	City/State	Orgzmiation Type	Position Held	From	To
454	Trump Sales & Leasing Chicago Member Corp	Chicago, IL	Corporation	Member/Director/President	10/20/09 & 10/21/09 & 10/21/09	1/19/2017
455	Trump Scotland Member Inc	Aberdeen, Scotland	Corporation	Director/President/Chairman	03/01/06	1/19/2017
456	Trump Scotsborough Square LLC	Scotsborough Sq, VA	LLC	President	07/07/11	1/19/2017
457	Trump Scotsborough Square Member Corp.	Scotsborough Sq, VA	Corporation	President/Chairman/Director	07/07/11	1/19/2017
458	Trump SoHo Hotel Condominium New York	New York, NY	Condominium Association	Member of the Board	08/03/07	1/19/2017
459	Trump Soho Member LLC	New York, NY	LLC	Member/President	04/24/06	1/19/2017
460	Trump Toronto Development Inc	New York, NY	Corporation	President/Director/Secretary	04/02/03	1/19/2017
461	Trump Toronto Hotel Management Corp.	Toronto, CA	Corporation	President	05/30/08	1/19/2017
462	Trump Toronto Member Corp. (formally Trump Toronto Management Member Corp)	New York, NY	Corporation	Director/Chairman	03/19/08	1/19/2017
463	Trump Tower Commercial LLC	New York, NY	LLC	President	12/22/97	1/19/2017
464	Trump Tower Condominium Residential Section	New York, NY	Condominium Association	President	03/23/83	1/19/2017
465	Trump Tower Managing Member Inc	New York, NY	Corporation	President	12/22/97	1/19/2017
466	Trump Village Construction Corp.	New York, NY	Corporation	Director/Vice President	08/01/69	1/19/2017
467	Trump Vineyard Estates LLC	New York, NY	LLC	President	03/18/11	1/19/2017
468	Trump Vineyard Estates Manager Corp.	New York, NY	Corporation	President/Director/Chairman	03/18/11	1/19/2017
469	Trump Vineyard Estates Lot 3 Owner LLC (fka Eric Trump Land Holdings LLC)	New York, NY	LLC	President	08/15/11	1/19/2017
470	Trump Vineyard Estates Manager Corp	New York, NY	Corporation	President/Director/Chairman	03/18/11	1/19/2017
471	Trump Virginia Acquisitions LLC (fka Virginia Acquisitions LLC)	New York, NY	LLC	Member/President	3/4/2011 & 1/25/11	1/19/2017
472	Trump Virginia Acquisitions Manager Corp.	New York, NY	Corporation	President/Director/Chairman	03/15/11	1/19/2017
473	Trump Virginia Lot 5 LLC	New York, NY	LLC	President	05/28/11	1/19/2017
474	Trump Virginia Lot 5 Manager Corp.	New York, NY	Corporation	President/Director/Chairman	05/28/11	1/19/2017
475	Trump Wine Marks LLC	New York, NY	LLC	President/Secretary/Treasurer	05/21/11	1/19/2017
476	Trump Wine Marks Member Corp.	New York, NY	Corporation	Director & Chairman/ President	6/21/2011 & 6/21/08	1/19/2017
477	Trump World Productions LLC	New York, NY	LLC	Member/President	09/29/11	1/19/2017
478	Trump World Productions Manager Corp	New York, NY	Corporation	Director/Chairman/President	09/29/11	1/19/2017
479	Trump World Publications LLC	New York, NY	LLC	Member/President	09/29/11	1/19/2017
480	Trump/New World Property Management LLC	New York, NY	LLC	President	11/22/00	1/19/2017
481	Trump's Castle Management Corp	Atlantic City, NJ	Corporation	President	03/24/92	1/19/2017
482	Trump Marks White Plains Corp	New York, NY	Corporation	President/Director	05/13/07	1/19/2017
484	Turnberry Scotland Managing Member Corp	Turnberry, Scotland	Corporation	Director/Chairman/President	04/09/14	1/19/2017
485	Turnberry Scotland LLC	Turnberry, Scotland	LLC	President	04/09/14	1/19/2017
486	TW Venture I LLC	Palm Beach, Florida	LLC	President	11/19/13	1/19/2017
487	TW Venture II LLC	Doonbeg, Ireland	LLC	President	01/31/14	1/19/2017
488	TW Venture I Managing Member Corp	Palm Beach, Florida	Corporation	President/Director/Chairman	11/19/13	1/19/2017
489	TW Venture II Managing Member Corp	Doonbeg, Ireland	Corporation	President/Director/Chairman	01/31/14	1/19/2017
490	Ultimate Air Corp.	New York, NY	Corporation	President/Treasurer/Secretary/Director	4/16/96 & 1/29/1993	1/19/2017
491	Unit 2502 Enterprises Corp	Chicago, IL	Corporation	President/Director	07/21/08	1/19/2017
492	Unit 2502 Enterprises LLC	Chicago, IL	LLC	Member/President	7/16/08 & 7/18/08	1/19/2017
493	VH Property Corp (Trump National Golf Club - Los Angeles)	Los Angeles, CA	Corporation	Secretary/President/Director	9/22/00 & 12/2/02 11/26/02 & 11/25/02	1/19/2017
494	VHPS LLC	Los Angeles, CA	LLC	President/Member	5/28/08 & 12/1/04	1/19/2017
495	West Palm Operations LLC	WPB, Florida	LLC	Member/President	8/27/10 & 9/1/10	1/19/2017
496	Wexford Hall Inc.	New York, NY	Corporation	Director/Vice President	08/01/69	1/19/2017
497	White Course LLC	Miami, Florida	LLC	President	03/20/12	1/19/2017
498	White Course Managing Member Corp	Miami, Florida	Corporation	Director/Chairman/President	03/20/12	1/19/2017
499	Wilshire Hall LLC	New York, NY	LLC	Member	11/22/95	1/19/2017
500	Wollman Rink Operations LLC	New York, NY	LLC	Member/President	9/24/01 & 11/1/01	1/19/2017

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Instructions for Part 1

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Part 1: Filer's Positions Held Outside United States Government

#	Organization Name	City/State	Organization Type	Position Held	From	To
501	Yorktown Real Estate LLC (F/K/A/ Yorktown Development Associates LLC)	New York, NY	LLC	Member/President	09/00/97	1/19/2017
502	The Fred C. Trump December 16, 1976 Trust- F/B/O Donald J. Trump	New York, NY	Trust	Trustee	December-76	1/19/2017
504	The Fred C. Trump December 16, 1976 Trust- F/B/O Robert S. Trump	New York, NY	Trust	Trustee	December-76	1/19/2017
505	The Fred C. Trump December 16, 1976 Trust- F/B/O Elizabeth J. Trump	New York, NY	Trust	Trustee	December-76	1/19/2017
509	Fred C. Trump, GRAT Trust- F/B/O Elizabeth Trump Grau	New York, NY	Trust	Trustee	November-97	1/19/2017
510	Trust U/W/O Fred C. Trump- F/B/O Elizabeth Trump Grau	New York, NY	Trust	Trustee	April-01	1/19/2017
511	Maryanne Trump GRAT Trust- F/B/O Elizabeth Trump Grau	New York, NY	Trust	Trustee	November-97	1/19/2017
512	Trust U/W/O Fred C. Trump- F/B/O the grandchildren of Fred C. Trump	New York, NY	Trust	Trustee	April-01	1/19/2017
514	The Donald J. Trump grantor Trust - DJT is the Trustee Successor - Trustee is Donald J. Trump, Jr.	New York, NY	Trust	Trustee	November-97	12/31/2016
515	The Donald J. Trump Revocable Trust	New York, NY	Trust	Trustee	April-14	1/19/2017
516	The Police Athletic League, Inc.	New York, NY	Non profit	Member of the Board	July-86	1/19/2017
517	DT Ball Golf Manager LLC	New York, NY	LLC	President	06/23/15	1/19/2017
518	DT Ball Golf Manager Member Corp	New York, NY	Corporation	Director/Chairman/President	06/23/15	1/19/2017
519	DT Ball Hotel Manager LLC	New York, NY	LLC	President	06/23/15	1/19/2017
520	DT Ball Hotel Manager Member Corp	New York, NY	Corporation	Director/Chairman/President	06/23/15	1/19/2017
521	DT Ball Technical Services Manager LLC	New York, NY	LLC	Member/President	06/23/15	1/19/2017
522	DT Ball Technical Services Manager Member Corp	New York, NY	Corporation	Director/Chairman/President	06/23/15	1/19/2017
523	DT Connect Europe Limited	Turnberry, Scotland	Foreign Entity	Director	02/13/15	1/19/2017
524	DT Endeavor I LLC	New York, NY	LLC	President	01/04/16	1/19/2017
525	DT Endeavor I Member Corp	New York, NY	Corporation	Director/Chairman/President	01/04/16	1/19/2017
526	DT Jeddah Technical Services Advisor LLC	New York, NY	LLC	Member/President	08/21/15	10/26/2015
527	DT Jeddah Technical Services Advisor Member Corp	New York, NY	Corporation	Director/Chairman/President	08/21/15	10/22/2015
528	DT Jeddah Technical Services Manager LLC	New York, NY	LLC	Member/President	08/31/15	11/15/2016
529	DT Jeddah Technical Services Manager Member Corp	New York, NY	Corporation	Director/Chairman/President	08/31/15	11/15/2016
530	DT Lido Golf Manager LLC	New York, NY	LLC	President	06/23/15	1/19/2017
531	DT Lido Golf Manager Member Corp	New York, NY	Corporation	Director/Chairman/President	06/23/15	1/19/2017
532	DT Lido Hotel Manager LLC	New York, NY	LLC	President	06/23/15	1/19/2017
533	DT Lido Hotel Manager Member Corp	New York, NY	Corporation	Director/Chairman/President	06/23/15	1/19/2017
534	DT Lido Technical Services Manager LLC	New York, NY	LLC	Member/President	06/23/15	1/19/2017
535	DT Lido Technical Services Manager Member Corp	New York, NY	Corporation	Director/Chairman/President	06/23/15	1/19/2017
536	DT Marks Ball LLC	New York, NY	LLC	Member/President	06/23/15	1/19/2017
537	DT Marks Ball Member Corp	New York, NY	Corporation	Director/Chairman/President	06/23/15	1/19/2017
538	DT Marks Lido LLC	New York, NY	LLC	Member/President	06/23/15	1/19/2017
539	DT Marks Lido Member Corp	New York, NY	Corporation	Director/Chairman/President	06/23/15	1/19/2017
540	DT Tower I LLC	New York, NY	LLC	Member/President	01/04/16	1/19/2017
541	DT Tower I Member Corp	New York, NY	Corporation	Director/Chairman/President	01/04/16	1/19/2017
542	DT Tower II LLC	New York, NY	LLC	President	01/04/16	1/19/2017
543	DT Tower II Member Corp	New York, NY	Corporation	Director/Chairman/President	01/04/16	1/19/2017
544	DT Tower Kolkata LLC	New York, NY	LLC	Member/President	11/25/15	1/19/2017
545	DT Tower Kolkata Managing Member Corp	New York, NY	Corporation	Director/Chairman/President	11/25/15	1/19/2017
546	DT Venture I LLC	New York, NY	LLC	President	01/04/16	1/19/2017
547	DT Venture I Member Corp	New York, NY	Corporation	Director/Chairman/President	01/04/16	1/19/2017
548	DT Venture II LLC	New York, NY	LLC	President	01/04/16	1/19/2017
549	DT Venture II Member Corp	New York, NY	Corporation	Director/Chairman/President	01/04/16	1/19/2017
550	DTTM Operations LLC	New York, NY	LLC	Member/President	01/15/16	1/19/2017

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Instructions for Part 1

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Part 1: Filer's Positions Held Outside United States Government

#	Organization Name	City/State	Organization Type	Position Held	From	To
551	DTTM Operations Managing Member	New York, NY	Corporation	Director/Chairman/President	01/15/16	1/19/2017
552	EID Venture II LLC	New York, NY	LLC	Member/President	01/04/16	1/19/2017
553	EID Venture II Member Corp	New York, NY	Corporation	Director/Chairman/President	01/04/16	1/19/2017
554	Mobile Payroll Construction LLC	New York, NY	LLC	Member/President	05/04/15	1/19/2017
555	Mobile Payroll Construction Manager Corp	New York, NY	Corporation	Director/Chairman/President	05/04/15	1/19/2017
556	THC DC Restaurant Hospitality LLC	New York, NY	LLC	President	08/17/15	1/19/2017
557	THC Jeddah Hotel Advisor LLC	New York, NY	LLC	Member/President	08/21/15	10/26/2015
558	THC Jeddah Hotel Advisor Member Corp	New York, NY	Corporation	Director/Chairman/President	08/21/15	10/22/2015
559	THC Jeddah Hotel Manager LLC	New York, NY	LLC	Member/President	08/31/15	11/15/2016
560	THC Jeddah Hotel Manager Member Corp	New York, NY	Corporation	Director/Chairman/President	08/31/15	11/15/2016
561	C DEVELOPMENT VENTURES LLC	New York, NY	LLC	President/Member	04/06/16	1/19/2017
562	C DEVELOPMENT VENTURES MEMBER CORP	New York, NY	Corporation	President/Director/Chairman	04/06/16	1/19/2017
563	TC MARKS BUENOS AIRES LLC	New York, NY	LLC	President/Member	04/20/16	1/19/2017
564	WMTMF LLC	New York, NY	LLC	President/Secretary/Treasurer/Managing Member	09/24/15	1/19/2017
565	Lamington Farm Club LLC (TRUMP NATIONAL GOLF CLUB - BEDMINSTER) *	Bedminster, NJ	LLC	President	02/11/00	1/19/2017

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Instructions for Part 2

Note: This is a public form. Do not include account numbers, street addresses, or family member names. See instructions for required information.

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Part 2: Filer's Employment Assets and Income

#	Description	EIF	attached schedule (Part 2 - EXHIBIT A) Reference #	Value	Income Type	Income Amount
002	40 Wall Street LLC Underlying Assets: commercial real estate Location: New York, NY See attached schedule	N/A	005	Over $50,000,000	rent	Over $5,000,000
004	401 North Wabash Venture LLC Underlying Assets: residential & commercial real estate Location: Chicago, IL See attached schedule	N/A	008	Over $50,000,000	rent condo sales	Over $5,000,000 $90,249
005	809 NORTH CANON LLC Underlying Assets: residential real estate Location: Beverly Hills, CA See attached schedule	N/A	009	$5,000,001 - $25,000,000		None (or less than $201)
007	845 UN Limited Partnership Underlying Assets: commercial real estate Location: New York, NY See attached schedule	N/A	012	$5,000,001 - $25,000,000	rent	$1,000,001 - $5,000,000
008	Caribusiness Investments, S.R.L. Underlying Assets: land Location: Dominican Republic See attached schedule	N/A	025	$1,000,001 - $5,000,000		None (or less than $201)
010	Country Apartments, LLC Value reported reflects bank account holding only. Additional Underlying Asset: none Entity set up to buy & sell residential real estate, New York, NY; See attached schedule	N/A	032	$1,001 - $15,000		None (or less than $201)
011	Country Properties, LLC Underlying Assets: residential real estate Location: Norfolk, VA See attached schedule	N/A	034	$50,001 - $100,000		None (or less than $201)
012	D B Pace Acquisition, LLC Underlying Assets: land, building and ff&e Location: New York, NY See attached schedule	N/A	036	$1,000,001 - $5,000,000		None (or less than $201)

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Part 2: Filer's Employment Assets and Income

#	Description	EIF	attached schedule (Part 2 - EXHIBIT A) Reference #	Value	Income Type	Income Amount
013	DJT AEROSPACE LLC Underlying Assets: aircraft Location: New York, NY See attached schedule	N/A	039	$1,000,001 - $5,000,000	rent	None (or less than $201)
014	DJT HOLDINGS LLC Value reported reflects bank account only. Entity's other holdings and assets are reported elsewhere; see attached schedule. Holding company, New York, NY	N/A	042	$1,000,001 - $5,000,000	interest	$15,001 - $50,000
017	DJT OPERATIONS I LLC Underlying Assets: aircraft Location: New York, NY See attached schedule	N/A	046	Over $50,000,000	rent	$1,000,001 - $5,000,000
018	DT CONNECT II LLC Underlying Assets: aircraft Location: Palm Beach, FL See attached schedule	N/A	055	$1,000,001 - $5,000,000		None (or less than $201)
020	DT DUBAI GOLF MANAGER LLC Value reported reflects bank account holding only. Additional Underlying Asset: management deal with DAMAC CRESCENT PROPERTIES LLC - value not readily ascertainable. Management company, Dubai, UAE; See attached schedule	N/A	059	$1,001 - $15,000	management fees	$12,984
021	DT HOME MARKS INTERNATIONAL LLC Value reported reflects bank account holding only. Additional Underlying Asset: license deal with RNA RESOURCES GROUP LTD, DORYA INTERNATIONAL LLC, HOMESTUDIO INTERNATIONAL SA, WONU CO LTD - value not readily ascertainable. License holder, New York, NY; See attached schedule.	N/A	063	$1,001 - $15,000	royalties	$100,001 - $1,000,000
024	Excel Venture I LLC Underlying Assets: residential rental property Location: St. Martin, French West Indies See attached schedule	N/A	098	$25,000,001 - $50,000,000	rent	$100,001 - $1,000,000
026	Fifty-Seventh Street Associates LLC Underlying Assets: commercial real estate Location: New York, NY See attached schedule	N/A	100	Over $50,000,000	rent	Over $5,000,000

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Part 2: Filer's Employment Assets and Income

#	Description	EIF	attached schedule (Part 2 - EXHIBIT A) Reference #	Value	Income Type	Income Amount
030	TRUMP NATIONAL GOLF CLUB - JUPITER Underlying Assets: golf club Location: Jupiter, FL See attached schedule	N/A	117	Over $50,000,000	golf related revenue	$20,131,872
031	LAMINGTON FAMILY HOLDINGS LLC Underlying Assets: land Location: Bedminster, NJ See attached schedule	N/A	119	$100,001 - $250,000		None (or less than $201)
032	TRUMP NATIONAL GOLF CLUB - BEDMINSTER Underlying Assets: golf club Location: Bedminster, NJ See attached schedule	N/A	120	Over $50,000,000	golf related revenue	$19,752,500
034	MAR-A-LAGO CLUB, L.L.C. Underlying Assets: resort Location: Palm Beach, FL See attached schedule	N/A	126	Over $50,000,000	resort related revenue	$37,251,635
036	PINE HILL DEVELOPMENT LLC Underlying Assets: golf club Location: Pine Hill, NJ See attached schedule	N/A	142	$100,001 - $250,000		None (or less than $201)
037	Seven Springs LLC Underlying Assets: real estate Location: Mt. Kisco, NY See attached schedule	N/A	153	$25,000,001 - $50,000,000	interest	$2,501 - $5,000
038	TRUMP TURNBERRY Underlying Assets: golf courses and resort Location: Turnberry, Scotland See attached schedule	N/A	157	Over $50,000,000	golf related revenue	$14,487,619
039	T International Realty LLC Value reported reflects bank account holding only. Additional Underlying Asset: brokerage company - value not readily ascertainable. Brokerage company, New York, NY; See attached schedule	N/A	160	$250,001 - $500,000	commissions	$3,374,860
040	THC CENTRAL RESERVATIONS LLC Underlying Assets: hotel company Location: New York, NY See attached schedule	N/A	167	$50,001 - $100,000		None (or less than $201)

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Part 2: Filer's Employment Assets and Income

#	Description	EIF	attached schedule (Part 2 - EXHIBIT A) Reference #	Value	Income Type	Income Amount
041	THC CHINA DEVELOPMENT LLC Value reported reflects bank account holding only. Additional Underlying Asset: developer - value not readily ascertainable. Developer, New York, NY; See attached schedule	N/A	169	$1,001 - $15,000		None (or less than $201)
042	THC SALES & MARKETING LLC Value reported reflects bank account holding only. Additional Underlying Asset: management company - value not readily ascertainable. Management company, New York, NY; See attached schedule	N/A	184	$100,001 - $250,000		None (or less than $201)
043	The East 61 Street Company, LP Underlying Assets: residential real estate Location: New York, NY See attached schedule	N/A	199	$5,000,001 - $25,000,000		None (or less than $201)
044	THE TRUMP CORPORATION Underlying Assets: management company Location: New York, NY See attached schedule	N/A	200	Over $50,000,000	management and related fees	$18,045,141
045	The Trump-Equitable Fifth Avenue Company Value reported reflects bank account only. Entity's other holdings and assets are reported elsewhere; see attached schedule. Pass-thru entity, New York, NY	N/A	208	$1,001 - $15,000	rent	$100,001 - $1,000,000
046	TRUMP INTERNATIONAL GOLF LINKS - DOONBEG Underlying Assets: golf course and resort Location: Doonbeg, Ireland See attached schedule	N/A	211	$5,000,001 - $25,000,000	golf related revenue	$12,498,172
047	TIHT COMMERCIAL LLC Underlying Assets: commercial real estate Location: New York, NY See attached schedule	N/A	218	$5,000,001 - $25,000,000	rent	$1,000,001 - $5,000,000
048	TIHT HOLDING COMPANY LLC Underlying Assets: hotel condo unit Location: New York, NY See attached schedule	N/A	219	$1,000,001 - $5,000,000	rent	$100,001 - $1,000,000
049	TRUMP NATIONAL GOLF CLUB - CHARLOTTE Underlying Assets: golf club Location: Charlotte, NC See attached schedule	N/A	223	$5,000,001 - $25,000,000	golf related revenue	$15,016,404
050	TRUMP NATIONAL GOLF CLUB - HUDSON VALLEY Underlying Assets: golf club Location: Hopewell Junction, NY See attached schedule	N/A	225	$5,000,001 - $25,000,000	golf related revenue	$5,323,573

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Part 2: Filer's Employment Assets and Income

#	Description	EIF	attached schedule (Part 2 - EXHIBIT A) Reference #	Value	Income Type	Income Amount
051	TRUMP NATIONAL GOLF CLUB - PHILADELPHIA Underlying Assets: golf club Location: Pine Hill, NJ See attached schedule	N/A	229	$5,000,001 - $25,000,000	golf related revenue	$5,258,866
052	TRUMP 106 CPS LLC Value reported reflects bank account holding only. Additional Underlying Asset: none Location: New York, NY; See attached schedule	N/A	234	$15,001 - $50,000		None (or less than $201)
055	TRUMP 845 UN MGR CORP Value reported reflects bank account holding only. Entity's other holdings and assets are reported elsewhere; see attached schedule. Pass-thru entity. New York, NY	N/A	237	$1,001 - $15,000		None (or less than $201)
057	TRUMP BOOKS LLC THE MIDAS TOUCH Value reported reflects bank account holding only. Additional Underlying Asset: book deal with Plata Publishing LLC - value not readily ascertainable. Holder of book contract, New York, NY, See attached schedule (Published 2011)	N/A	243	None (or less than $1,001)	royalties	$5,001 - $15,000
059	TRUMP CAROUSEL LLC Value reported reflects bank account holding only. Additional Underlying Asset: operating agreement with NEW YORK CITY DEPARTMENT OF PARKS & RECREATION - value not readily ascertainable. Carousel operator, New York, NY. See attached schedule	N/A	250	$15,001 - $50,000	admissions	$671,728
061	TRUMP CPS LLC Underlying Assets: commercial and residential real estate Location: New York, NY See attached schedule	N/A	269	$25,000,001 - $50,000,000	rent condo sales	$1,000,001 - $5,000,000 $3,170,000
064	TRUMP NATIONAL DORAL Underlying Assets: golf courses & resort Location: Miami, FL See attached schedule	N/A	279	Over $50,000,000	golf resort related revenues	$115,865,590
065	TRUMP FERRY POINT LLC Underlying Assets: operating agreement with NEW YORK CITY DEPARTMENT OF PARKS & RECREATION - golf course Location: New York, NY See attached schedule (Opening Day: April 1, 2015)	N/A	283	$5,000,001 - $25,000,000	golf related revenue	$7,300,157

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Part 2: Filer's Employment Assets and Income

#	Description	EIF	attached schedule (Part 2 - EXHIBIT A) Reference #	Value	Income Type	Income Amount
066	TRUMP GOLF ACQUISITIONS LLC Value reported reflects bank account holding only. Additional Underlying Asset: none Entity set up to sign letters of intent for golf related deals, New York, NY; See attached schedule	N/A	287	$1,001 - $15,000	golf related revenue	$17,539
067	TRUMP HOME MARKS LLC Value reported reflects bank account holding only. Additional Underlying Asset: license deal with DOWNLITE INTERNATIONAL INC, GOURMET HOME PRODUCTS LLC, NORTHPOINT TRADING LLC, SIGN OF TIMES INC, TPS SAS - value not readily ascertainable. License holder, New York, NY See attached schedule	N/A	291	None (or less than $1,001)	royalties	$15,001 - $50,000
068	TRUMP ICE LLC Value reported reflects bank account holding only. Additional Underlying Asset: wholesale company - value not readily ascertainable. Water wholesaler, New York, NY; See attached schedule	N/A	294	$1,001 - $15,000	sales	$396,161
069	TRUMP INTERNATIONAL GOLF LINKS - SCOTLAND Underlying Assets: golf course Location: Aberdeen, Scotland See attached schedule	N/A	297	Over $50,000,000	golf related revenue	$3,803,033
070	TRUMP INTERNATIONAL GOLF CLUB - FLORIDA Underlying Assets: golf club Location: West Palm Beach, FL See attached schedule	N/A	299	$25,000,001 - $50,000,000	golf related revenue	$18,411,472
071	TRUMP INTERNATIONAL HOTEL HAWAII LLC Value reported reflects bank account holding only. Additional Underlying Asset: management and license agreements with IRONGATE AZREP BW LLC - value not readily ascertainable. License holder, Waikiki, HI See attached schedule	N/A	300	$1,001 - $15,000	royalties management fees	$100,001 - $1,000,000 $2,538,973
072	TRUMP INTERNATIONAL HOTELS MANAGEMENT LLC Underlying Assets: management company Location: New York, NY See attached schedule	N/A	301	Over $50,000,000	management fees	$2,888,093
073	TRUMP LAS VEGAS DEVELOPMENT LLC Underlying Assets: development deal with TRUMP RUFFIN TOWER I LLC Entity set up to receive development fees, Las Vegas, NV; See attached schedule	N/A	308	$1,000,001 - $5,000,000	development fees	$8,154,142
074	TRUMP LAS VEGAS MEMBER LLC Value reported reflects bank account holding only. Entity's other holdings and assets are reported elsewhere; see attached schedule. Pass-thru entity. Las Vegas, NV	N/A	310	None (or less than $1,001)	sponsor fee	$2,631,300

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Part 2: Filer's Employment Assets and Income

#	Description	EIF	attached schedule (Part 2 - EXHIBIT A) Reference #	Value	Income Type.	Income Amount
076	TRUMP MARKS ASIA LLC Underlying Assets: residential real estate Location: Sterling, VA See attached schedule	N/A	316	$500,001 - $1,000,000		None (or less than $201)
078	TRUMP MARKS ISTANBUL II LLC Value reported reflects bank account holding only. Additional Underlying Asset: license deal with ORTADOGU OTOMOTIV TICARET AS - value not readily ascertainable. License holder, New York, NY See attached schedule	N/A	342	$15,001 - $50,000	royalties	$1,000,001 - $5,000,000
079	TRUMP MARKS LLC Value reported reflects bank account holding only. Additional Underlying Asset: license deal with ELK LIGHTING INC - value not readily ascertainable. License holder, New York, NY See attached schedule	N/A	347	$15,001 - $50,000	royalties	$50,001 - $100,000
080	TRUMP MARKS MATTRESS LLC Value reported reflects bank account holding only. Additional Underlying Asset: license deal with SERTA - value not readily ascertainable. License holder, New York, NY See attached schedule	N/A	350	None (or less than $1,001)	royalties	$100,001 - $1,000,000
081	TRUMP MARKS MENSWEAR LLC Value reported reflects bank account holding only. Additional Underlying Asset: license deal with PVH CORP, PEERLESS CLOTHING INTERNATIONAL, PARLUX LTD, OXFORD OPTHALMIC, RANDA ACCESSORIES - value not readily ascertainable. License holder, New York, NY See attached schedule	N/A	352	None (or less than $1,001)	royalties	$100,001 - $1,000,000
082	TRUMP MARKS NEW ROCHELLE LLC Value reported reflects bank account holding only. Additional Underlying Asset: license deal with NEW ROC PARCEL 1A LLC - value not readily ascertainable. License holder, New York, NY See attached schedule	N/A	359	None (or less than $1,001)	royalties	$5,001 - $15,000
083	TRUMP MARKS PANAMA LLC Value reported reflects bank account holding only. Additional Underlying Asset: license deal with K GROUP DEVELOPERS INC - value not readily ascertainable. License holder, New York, NY See attached schedule	N/A	363	None (or less than $1,001)	royalties	$100,001 - $1,000,000

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Part 2: Filer's Employment Assets and Income

#	Description	EIF	attached schedule (Part 2 - EXHIBIT A) Reference #	Value	Income Type	Income Amount
087	TRUMP MARKS WAIKIKI LLC Value reported reflects bank account holding only. Additional Underlying Asset: license deal with IRONGATE AZREP BW LLC - value not readily ascertainable. License holder, New York, NY See attached schedule	N/A	391	None (or less than $1,001)	royalties	$100,001 - $1,000,000
090	TRUMP MIAMI RESORT MANAGEMENT LLC Value reported reflects bank account holding only. Management company - value not readily ascertainable, Miami, FL; See attached schedule	N/A	396	$1,000,001 - $5,000,000		None (or less than $201)
091	TRUMP MODEL MANAGEMENT LLC Value reported reflects bank account holding only. Modeling agency - value not readily ascertainable, New York, NY; See attached schedule	N/A	398	$250,001 - $500,000	commissions	$1,870,632
092	TRUMP NATIONAL GOLF CLUB - COLTS NECK Underlying Assets: golf club Location: Colts Neck, NJ See attached schedule	N/A	399	Over $50,000,000	golf related revenue	$7,708,047
093	TRUMP NATIONAL GOLF CLUB - WESTCHESTER Underlying Assets: golf club Location: Briarcliff Manor, NY See attached schedule	N/A	401	Over $50,000,000	golf related revenue	$9,771,428
094	TRUMP NATIONAL GOLF CLUB - WASHINGTON DC Underlying Assets: golf club Location: Potomac Falls, VA See attached schedule	N/A	403	Over $50,000,000	golf related revenue	$17,508,270
095	TRUMP OLD POST OFFICE LLC Underlying Assets: hotel Location: Washington, DC See attached schedule	N/A	408	Over $50,000,000	hotel related revenue	$19,666,129
097	Miss Universe L.P., LLLP Value reported reflects bank account holding only. Additional Underlying Asset: none See attached schedule	N/A	413	$50,001 - $100,000	beauty pageant related revenue	$10,973,722
098	TRUMP PALACE/PARC LLC Underlying Assets: commercial real estate Location: New York, NY See attached schedule	N/A	414	$1,000,001 - $5,000,000	rent	$100,001 - $1,000,000

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Part 2: Filer's Employment Assets and Income

#	Description	EIF	attached schedule (Part 2 - EXHIBIT A) Reference #	Value	Income Type	Income Amount
099	TRUMP PARK AVENUE LLC Underlying Assets: residential & commercial real estate Location: New York, NY See attached schedule	N/A	420	Over $50,000,000	rent condo sales	Over $5,000,000 $29,943,500
100	TRUMP PLAZA LLC Underlying Assets: residential & commercial real estate Location: New York, NY See attached schedule	N/A	424	$25,000,001 - $50,000,000	rent	$1,000,001 - $5,000,000
101	TRUMP PRODUCTIONS LLC Underlying Assets: production company Location: New York, NY See attached schedule	N/A	426	$1,000,001 - $5,000,000	production revenue	$1,103,161
103	Trump Restaurants LLC Underlying Assets: restaurant Location: New York, NY See attached schedule	N/A	430	$1,000,001 - $5,000,000	food & beverage related sales	$4,830,768
104	TRUMP RUFFIN TOWER I LLC Underlying Assets: commercial real estate Location: Las Vegas, NV See attached schedule	N/A	434	Over $50,000,000	condo sales hotel related revenue	$10,683,900 $30,835,137
106	TRUMP SCOTSBOROUGH SQUARE LLC Underlying Assets: residential real estate Location: Scotsborough Square, VA See attached schedule	N/A	438	$500,001 - $1,000,000	rent	$5,001 - $15,000
108	TRUMP TOWER COMMERCIAL LLC Underlying Assets: commercial real estate Location: New York, NY See attached schedule	N/A	444	Over $50,000,000	rent	Over $5,000,000
109	TRUMP TOWER MANAGING MEMBER INC. Value reported reflects bank account holding only. Entity's other holdings and assets are reported elsewhere; see attached schedule. Pass-thru entity. New York, NY	N/A	445	$1,001 - $15,000		None (or less than $201)
110	TRUMP VINEYARD ESTATES LLC Underlying Assets: vineyard Location: Charlottesville, VA See attached schedule	N/A	447	$5,000,001 - $25,000,000	rent	$100,001 - $1,000,000
111	TRUMP VINEYARD ESTATES LOT 3 OWNER LLC Underlying Assets: vineyard Location: Charlottesville, VA See attached schedule	N/A	448	$500,001 - $1,000,000	rent	$100,001 - $1,000,000
112	TRUMP VIRGINIA ACQUISITIONS LLC Underlying Assets: commercial real estate Location: Charlottesville, VA See attached schedule	N/A	450	$5,000,001 - $25,000,000	hotel related revenue	$1,015,752

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Part 2: Filer's Employment Assets and Income

#	Description	EIF	attached schedule (Part 2 - EXHIBIT A) Reference #	Value	Income Type	Income Amount
113	TRUMP VIRGINIA LOT 5 LLC Underlying Assets: vineyard Location: Charlottesville, VA See attached schedule	N/A	452	$500,001 - $1,000,000	rent	$50,001 - $100,000
116	TRUMP NATIONAL GOLF CLUB - LOS ANGELES Underlying Assets: golf course and unsold lots Location: Los Angeles, CA See attached schedule	N/A	469	Over $50,000,000	golf related revenue land sales	$14,982,417 $12,035,000
119	Wollman Rink Operations LLC Underlying Assets: operating agreement with NEW YORK CITY DEPARTMENT OF PARKS & RECREATION - ice skating rinks Location: New York, NY See attached schedule	N/A	476	$1,000,001 - $5,000,000	ice skating rink operation	$12,661,523
120	HWA 555 Owners, LLC Underlying Assets: commercial real estate Location: San Francisco, CA See attached schedule	N/A	478	Over $50,000,000	rent	Over $5,000,000
121	1290 AVENUE OF THE AMERICAS, A TENANCY-IN-COMMON Underlying Assets: commercial real estate Location: New York, NY See attached schedule	N/A	479	Over $50,000,000	rent	Over $5,000,000
122	4% limited partnership interest in Starrett City Associates, L.P. (via the entities disclosed on Exhibit A and direct ownership by The Donald J. Trump Revocable Trust) Underlying Assets: residential real estate Location: Brooklyn, NY	N/A	018, 141, 154, 446	$5,000,001 - $25,000,000	rent	Over $5,000,000
123	4% limited partnership interest in Spring Creek Plaza LLC (via the entities disclosed on Exhibit A and direct ownership by The Donald J. Trump Revocable Trust) Underlying Assets: commercial real estate Location: Brooklyn, NY	N/A	018, 141, 154, 446	$500,001 - $1,000,000	rent	$100,001 - $1,000,000
124	Trump Tower Triplex Underlying Assets: residential real estate Location: New York, NY	N/A		Over $50,000,000		None (or less than $201)
125	N/K/A DT VENTURE I LLC Underlying Assets: residential real estate Location: Palm Beach, FL See attached schedule	N/A	533	$5,000,001 - $25,000,000		None (or less than $201)

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Part 2: Filer's Employment Assets and Income

#	Description	EIF	attached schedule (Part 2 - EXHIBIT A) Reference #	Value	Income Type	Income Amount
126	N/K/A DTW VENTURE LLC Underlying Assets: residential real estate Location: Palm Beach, FL See attached schedule	N/A	093	$1,000,001 - $5,000,000	rent	$50,001 - $100,000
127	DT Marks Worli LLC Underlying Assets: license deal Licensee(s): JAWALA REAL ESTATE PRIVATE LTD, LODHA DEVELOPERS PRIVATE LTD Location: New York, NY See attached schedule Value not readily ascertainable	N/A	089		royalties	$100,001 - $1,000,000
130	THC VANCOUVER MANAGEMENT CORP Underlying Assets: management company Location: Vancouver, Canada See attached schedule Value not readily ascertainable	N/A	190		management fees	$21,576
131	THE TRUMP ENTREPRENEUR INITIATIVE LLC Underlying Assets: seminar program Location: New York, NY See attached schedule Value not readily ascertainable	N/A	201		residual income	$38,542
132	TNGC JUPITER MANAGEMENT LLC Underlying Assets: management company Location: Jupiter, FL See attached schedule Value not readily ascertainable	N/A	227		management fees	$468,346
133	TRUMP CHICAGO COMMERCIAL MANAGER LLC Underlying Assets: management company Location: New York, NY See attached schedule Value not readily ascertainable	N/A	254		management fees	$1,292,392
134	TRUMP CHICAGO HOTEL MANAGER LLC Value reported reflects bank account holding only. Additional Underlying Asset: management company - value not readily ascertainable. New York, NY See attached schedule	N/A	256	$15,001 - $50,000	management fees	$2,198,295
135	TRUMP CHICAGO RESIDENTIAL MANAGER LLC Underlying Assets: management company Location: New York, NY See attached schedule Value not readily ascertainable	N/A	260		management fees	$677,122
136	TRUMP MARKS FINE FOODS LLC Value reported reflects bank account holding only. Additional Underlying Asset: license deal with TWO RIVERS COFFEE - value not readily ascertainable. License holder, New York, NY See attached schedule	N/A	333	$1,001 - $15,000	royalties	$5,001 - $15,000

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Part 2: Filer's Employment Assets and Income

#	Description	EIF	attached schedule (Part 2 - EXHIBIT A) Reference #	Value	Income Type	Income Amount
137	TRUMP MARKS PHILIPPINES LLC Value reported reflects bank account holding only. Additional Underlying Asset: license deal with CENTURY CITY DEVELOPMENT CORP - value not readily ascertainable. License holder, New York, NY See attached schedule	N/A	367	$1,001 - $15,000	royalties	$1,000,001 - $5,000,000
139	TRUMP MARKS STAMFORD LLC Underlying Assets: license deal Licensee(s): 33 BROAD STREET ASSOCIATES II Location: New York, NY See attached schedule Value not readily ascertainable	N/A	380		royalties	$100,001 - $1,000,000
140	TRUMP MARKS SUNNY ISLES I LLC Underlying Assets: license deal Licensee(s): MICHAEL DEZER & NAOMI DEZERTOV Location: New York, NY See attached schedule Value not readily ascertainable	N/A	381		royalties	$100,001 - $1,000,000
141	TRUMP PANAMA HOTEL MANAGEMENT LLC Value reported reflects bank account holding only. Additional Underlying Asset: management agreement - value not readily ascertainable. New York, NY See attached schedule	N/A	417	$15,001 - $50,000	management fees	$810,795
142	TRUMP TORONTO HOTEL MANAGEMENT CORP Value reported reflects bank account holding only. Additional Underlying Asset: management deal with TALON INTERNATIONAL INC - value not readily ascertainable. Management company, New York, NY; See attached schedule.	N/A	442	$1,001 - $15,000	management fees	$559,904
143	TW VENTURE I LLC transportation services Location: Palm Beach, FL See attached schedule Value not readily ascertainable	N/A	462		operating income	$185,601
144	Trump Management Inc. Value reported reflects bank account holding only. Additional Underlying Asset: management company - value not readily ascertainable Location: Manhasset, NY See attached schedule	N/A	480	$15,001 - $50,000	management fees	$30,000
145	RITZ CARLTON HOTEL AT 112 CENTRAL PARK SOUTH N/K/A DT VENTURE II LLC Value reported reflects bank account holding only. Additional Underlying Asset: management agreement - value not readily ascertainable. Location: New York, NY	N/A	535	$15,001 - $50,000	management fees	$268,125

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Part 2: Filer's Employment Assets and Income

#	Description	EIF	attached schedule (Part 2 - EXHIBIT A) Reference #	Value	Income Type	Income Amount
146	Think Like A Champion Publisher: Vanguard Press, a member of Perseus Books LLC Underlying Assets: book Location: New York, NY Value not readily ascertainable (Published 2009)	N/A			royalties	$15,001 - $50,000
147	The Art Of The Deal Publisher: Random House Underlying Assets: book Location: New York, NY Value not readily ascertainable (Published 1987)	N/A			royalties	$100,001 - $1,000,000
148	Time To Get Tough Publisher: Regnery Publishing Underlying Assets: book Location: New York, NY Value not readily ascertainable (Published 2011)	N/A			royalties	$100,001 - $1,000,000
149	Think Like a Billionaire Publisher: Random House Underlying Assets: book Location: New York, NY Value not readily ascertainable (Published 2004)	N/A				None (or less than $201)
150	The Art of the Comeback Publisher: Random House Underlying Assets: book Location: New York, NY Value not readily ascertainable (Published 1997)	N/A				None (or less than $201)
151	Why We Want You To Be Rich Publisher: Plata Publishing LLC Underlying Assets: book Location: New York, NY Value not readily ascertainable (Published 2006)	N/A				None (or less than $201)
152	Trump 101: The Way to Success Publisher: John Wiley & Sons, Inc. Underlying Assets: book Location: New York, NY Value not readily ascertainable (Published 2007)	N/A				None (or less than $201)

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Part 2: Filer's Employment Assets and Income

#	Description	EIF	attached schedule (Part 2 - EXHIBIT A) Reference #	Value	Income Type	Income Amount
153	The America We Deserve Publisher: Renaissance Books Underlying Assets: book Location: New York, NY Value not readily ascertainable (Published 2000)	N/A				None (or less than $201)
154	Never Give Up Publisher: John Wiley & Sons, Inc. Underlying Assets: book Location: New York, NY Value not readily ascertainable (Published 2008)	N/A				None (or less than $201)
155	The Best Real Estate Advice I Ever Received Publisher: Thomas Nelson, Inc. Underlying Assets: book Location: New York, NY Value not readily ascertainable (Published 2005)	N/A				None (or less than $201)
156	The Way To The Top Publisher: Bill Adler Books Underlying Assets: book Location: New York, NY Value not readily ascertainable (Published 2004)	N/A				None (or less than $201)
157	How to Get Rich Publisher: Random House Underlying Assets: book Location: New York, NY Value not readily ascertainable (Published 2004)	N/A			royalties	$5,001 - $15,000
158	Think Big and Kick Ass Publisher: HarperCollins Publishers Underlying Assets: book Location: New York, NY Value not readily ascertainable (Published 2007)	N/A				None (or less than $201)
159	Trump: Surviving At The Top Publisher: Random House Underlying Assets: book Location: New York, NY Value not readily ascertainable (Published 1990)	N/A				None (or less than $201)
160	SCREEN ACTORS GUILD PENSION Underlying Assets: pension Location: Burbank, CA Value not readily ascertainable	N/A			pension	$84,292

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Part 2: Filer's Employment Assets and Income

#	Description	EIF	attached schedule (Part 2 - EXHIBIT A) Reference #	Value	Income Type	Income Amount
169	THC MIAMI RESTAURANT HOSPITALITY LLC Value reported reflects bank account holding only. Restaurant operations at Trump National Doral Location: Miami, FL	N/A	178	$500,001 - $1,000,000	food & beverage related sales	$7,390,861
172	40 WALL STREET COMMERCIAL LLC Value reported reflects bank account holding only. Entity's other holdings and assets are reported elsewhere; see attached schedule. Payroll company. New York, NY	N/A	004	$15,001 - $50,000		None (or less than $201)
173	DT DUBAI II GOLF MANAGER LLC Value reported reflects bank account holding only. Additional Underlying Asset: management deal with FRONTLINE INVESTMENT MANAGEMENT CO LLC (AN AFFILIATE OF DAMAC) - value not readily ascertainable. Management company, Dubai, UAE; See attached schedule.	N/A	061	$15,001 - $50,000	royalties	None (or less than $201)
174	DT TOWER GURGAON LLC Value reported reflects bank account holding only. Additional Underlying Asset: license deal with IREO PRIVATE LTD - value not readily ascertainable. License holder, Gurgaon, India; See attached schedule.	N/A	091	$1,001 - $15,000	royalties	$100,001 - $1,000,000
176	TAG AIR INC. Value reported reflects bank account holding only. Entity's other holdings and assets are reported elsewhere; see attached schedule. Entity set up to lease 757 from DJT Operations I LLC. New York, NY	N/A	161	$15,001 - $50,000	aircraft related revenue/expense reimbursements	$7,727,674
178	THC IMEA DEVELOPMENT LLC Value reported reflects bank account holding only. Additional Underlying Asset: developer - value not readily ascertainable. Location: New York, NY See attached schedule.	N/A	177	$15,001 - $50,000		None (or less than $201)
181	DT BALI TECHNICAL SERVICES MANAGER LLC Value reported reflects bank account holding only. Additional Underlying Asset: management deal with PT BALI NIRWANA RESORT - value not readily ascertainable. Management company, Bali, Indonesia; See attached schedule.	N/A	497	$1,001 - $15,000	management fees	$190,476
182	DT CONNECT EUROPE LIMITED Underlying Assets: aircraft Location: Turnberry, Scotland See attached schedule	N/A	499	$1,000,001 - $5,000,000	rent	$100,001 - $1,000,000

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Part 2: Filer's Employment Assets and Income

#	Description	EIF	attached schedule (Part 2 - EXHIBIT A) Reference #	Value	Income Type	Income Amount
183	DT ENDEAVOR I LLC Underlying Assets: aircraft Location: Palm Beach, FL See attached schedule	N/A	500	$5,000,001 - $25,000,000		None (or less than $201)
184	DT LIDO TECHNICAL SERVICES MANAGER LLC Value reported reflects bank account holding only. Additional Underlying Asset: management deal with PT LIDO NIRWANA PARAHYANGAN - value not readily ascertainable. Management company, Lido, Indonesia; See attached schedule.	N/A	509	None (or less than $1,001)	management fees	$190,476
187	MOBILE PAYROLL CONSTRUCTION LLC Value reported reflects bank account holding only. Additional Underlying Asset: none Payroll company, Bedminster, NJ; See attached schedule	N/A	523	$50,001 - $100,000		None (or less than $201)
188	CRIPPLED AMERICA Publisher: Threshold Editions Underlying Assets: book Location: New York, NY Value not readily ascertainable (Published 2015)	N/A			royalties	$1,000,001 - $5,000,000
189	DTTM OPERATIONS LLC Value reported reflects bank account holding only. Entity's other holdings and assets are reported elsewhere; see attached schedule. Pass-thru entity. New York, NY	N/A	519	$15,001 - $50,000		None (or less than $201)
190	TRUMP LAS VEGAS MANAGING MEMBER LLC Value reported reflects bank account holding only. Entity's other holdings and assets are reported elsewhere; see attached schedule. Pass-thru entity. Las Vegas, NV	N/A	309	None (or less than $1,001)	sponsor fee	$53,700
191	Trump Las Vegas Sales & Marketing, Inc. Value reported reflects bank account holding only. Additional Underlying Assets: sales & marketing deal with TRUMP RUFFIN TOWER I LLC - value not readily ascertainable. Entity set up to receive brokerage commissions, Las Vegas, NV; See attached schedule	N/A	311	$1,001 - $15,000	commissions	$14,078,526
192	DT TOWER KOLKATA LLC Value reported reflects bank account holding only. Additional Underlying Asset: license deal with CONCAST INFRASTRUCTURE PRIVATE LIMITED, TRIBECA CREATORS LLP, REGENT HIRISE PRIVATE LIMITED, RAJ CONSTRUCTION PROJECTS PRIVATE LIMITED, RDB REALTY & INFRASTRUCTURE LIMITED - value not readily ascertainable. License holder, Kolkata, India; See attached schedule.	N/A	517	None (or less than $1,001)	royalties	$100,001 - $1,000,000

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Part 2: Filer's Employment Assets and Income

#	Description	EIF	attached schedule (Part 2 - EXHIBIT A) Reference #	Value	Income Type	Income Amount
193	DT MARKS VANCOUVER LP Value reported reflects bank account holding only. Additional Underlying Asset: license deal with WEST GEORGIA DEVELOPMENT LIMITED PARTNERSHIP AND WEST GEORGIA HOLDINGS INC. - value not readily ascertainable. License holder, Vancouver, Canada; See attached schedule.	N/A	087	None (or less than $1,001)	royalties	Over $5,000,000
194	STORAGE 106 LLC Underlying Assets: commercial real estate Location: New York, NY See attached schedule	N/A	542	$5,000,001 - $25,000,000	rent	$100,001 - $1,000,000

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Instructions for Part 3

Note: This is a public form. Do not include account numbers, street addresses, or family member names. See instructions for required information.

Filer's Name	Page Number
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Part 3: Filer's Employment Agreements and Arrangements

#	Employer or Party	City/State	Status and Terms	Date
1.	Screen Actors Guild - Producers	Burbank, CA	Pension Plan for Motion Picture Actors; payments received on a monthly basis.	July 2011
2.				
3.				
4.				
5.				
6.				
7.				
8.				
9.				
10.				
11.				
12.				

OGE Form 278e (March 2014)

Instructions for Part 4

Note: This is a public form. Do not include account numbers, street addresses, or family member names. See instructions for required information.

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Part 4: Filer's Sources of Compensation Exceeding $5,000 in a Year

#	Source Name	City/State	Brief Description of Duties
1.	N/A		
2.			
3.			
4.			
5.			
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9.			
10.			
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20.			

Instructions for Part 5

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Part 5: Spouse's Employment Assets and Income

#	Description	EIF	Value	Income Type	Income Amount
1.	Melania LLC Underlying Assets: inactive Location: New York, NY	N/A	None (or less than $1,001)		None (or less than $201)
2.	MELANIA MARKS ACCESSORIES LLC Underlying Assets: licensing agreement Licensee(s): MZ BERGER & COMPANY LLC Location: New York, NY Value not readily ascertainable	N/A			None (or less than $201)
3.	MELANIA MARKS ACCESSORIES MEMBER CORP (pass-thru company for MELANIA MARKS ACCESSORIES LLC) Location: New York, NY Value not readily ascertainable	N/A			None (or less than $201)
4.	721 33H LLC Underlying Assets: residential real estate Location: New York, NY	N/A	$1,000,001 - $5,000,000		None (or less than $201)
5.	721 33H Holdings LLC (pass-thru company for 721 33H LLC) Location: New York, NY Value not readily ascertainable	N/A			None (or less than $201)
6.					
7.					
8.					
9.					
10.					

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Instructions for Part 6

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Part 6: Other Assets and Income

#	Description	EIF	Value	Income Type	Income Amount
1	BARON REAL ESTATE FUND	Y	None (or less than $1,001)		$100,001 - $1,000,000
2	BARON GROWTH FUND	Y	None (or less than $1,001)		$100,001 - $1,000,000
3	BARON PARTNERS FUND	Y	None (or less than $1,001)		$100,001 - $1,000,000
4	AG DIVERSIFIED INCOME FUND PLUS, LP (f/k/a AG DIVERSIFIED CREDIT STRATEGIES FUND LP) (ANGELO GORDON)	Y	None (or less than $1,001)		$100,001 - $1,000,000
5	MIDOCEAN CREDIT OPPORTUNITY FUND LP (MIDOCEAN CREDIT PARTNERS)	Y	$1,000,001 - $5,000,000		$100,001 - $1,000,000
6	JP MORGAN CHASE - CHECKING AND SAVINGS ACCOUNTS	N/A	$1,000,001 - $5,000,000	Interest	$1,001 - $2,500
7	CAPITAL ONE BANK - CHECKING AND SAVINGS	N/A	$5,000,001 - $25,000,000	Interest	$100,001 - $1,000,000
8	SIGNATURE BANK - CHECKING	N/A	$100,001 - $250,000	Interest	$1,001 - $2,500
9	BANK UNITED, NA - MONEY MARKET	N/A	$100,001 - $250,000	Interest	$1,001 - $2,500
10	FIRST REPUBLIC BANK - CHECKING	N/A	$15,001 - $50,000	Interest	None (or less than $201)
11	INVESTMENT IN GOLD	N/A	$100,001 - $250,000		None (or less than $201)
12	WMTMF LLC (US BANK CASH ACCOUNT)	N/A	$50,001 - $100,000		None (or less than $201)
	BARCLAYS BANK - BROKERAGE ACCOUNT - HOLDINGS				
1	AT&T INC	N/A	None (or less than $1,001)	Dividends,Capital Gain	$2,501 - $5,000
2	ASTRAZENECA PLC ADR	N/A	None (or less than $1,001)	Capital Gain	$201 - $1,000
3	CROWN CASTLE INTL CORP	N/A	None (or less than $1,001)	Dividends,Capital Gain	$201 - $1,000
4	GENERAL ELECTRIC COMPANY	N/A	None (or less than $1,001)	Dividends,Capital Gain	$1,001 - $2,500

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Part 6: Other Assets and Income

#	Description	EIF	Value	Income Type	Income Amount
5	HALLIBURTON COMPANY	N/A	None (or less than $1,001)	Dividends,Capital Gain	$2,501 - $5,000
6	ISHS EURO FINLS INDX ETF	Y	None (or less than $1,001)		$201 - $1,000
7	KINDER MORGAN INC DE	N/A	None (or less than $1,001)	Dividends,Capital Gain	$2,501 - $5,000
8	KRAFT HEINZ CO	N/A	None (or less than $1,001)	Capital Gain	$201 - $1,000
9	METLIFE INC	N/A	None (or less than $1,001)	Dividends,Capital Gain	$2,501 - $5,000
10	PHILIP MORRIS INTL INC	N/A	None (or less than $1,001)	Capital Gain	$201 - $1,000
11	PFIZER INC	N/A	None (or less than $1,001)	Dividends,Capital Gain	$201 - $1,000
12	PRUDENTIAL FINL INC	N/A	None (or less than $1,001)	Dividends,Capital Gain	$2,501 - $5,000
13	RAYTHEON COMPANY NEW	N/A	None (or less than $1,001)	Dividends,Capital Gain	$2,501 - $5,000
14	SPDR S&P BANK ETF	Y	None (or less than $1,001)		$1,001 - $2,500
15	SWISS RE LTD ADR	N/A	None (or less than $1,001)	Dividends,Capital Gain	$1,001 - $2,500
16	U S BANCORP DE NEW	N/A	None (or less than $1,001)	Dividends,Capital Gain	$1,001 - $2,500
17	VNGRD HGH DIV YLD ETF	Y	None (or less than $1,001)		$201 - $1,000
18	VERIZON COMMS INC	N/A	None (or less than $1,001)	Dividends,Capital Gain	$201 - $1,000
	OPPENHEIMER-BROKERAGE ACCOUNT - HOLDINGS				
1	ALTRIA GROUP INC	N/A	None (or less than $1,001)	Dividends,Capital Gain	$100,001 - $1,000,000
2	AMGEN INC	N/A	None (or less than $1,001)	Dividends,Capital Gain	$50,001 - $100,000

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Part 6: Other Assets and Income

#	Description	EIF	Value	Income Type	Income Amount
3	APPLE INC	N/A	None (or less than $1,001)	Dividends,Capital Gain	$100,001 - $1,000,000
4	AT&T INC	N/A	None (or less than $1,001)	Dividends,Capital Gain	$100,001 - $1,000,000
5	BRISTOL MYERS SQUIBB CO	N/A	None (or less than $1,001)	Dividends,Capital Gain	$100,001 - $1,000,000
6	GENERAL MLS INC	N/A	None (or less than $1,001)	Dividends,Capital Gain	$5,001 - $15,000
7	GILEAD SCIENCES INC	N/A	None (or less than $1,001)	Capital Gain	$100,001 - $1,000,000
8	JPMORGAN CHASE & CO COM	N/A	None (or less than $1,001)	Dividends,Capital Gain	$100,001 - $1,000,000
9	PHILIP MORRIS INTL INC	N/A	None (or less than $1,001)	Dividends,Capital Gain	$5,001 - $15,000
10	REGENERON PHARMACEUTICALS	N/A	None (or less than $1,001)	Capital Gain	$50,001 - $100,000
11	UNITED PARCEL SERVICE INC CL B	N/A	None (or less than $1,001)	Capital Gain	$15,001 - $50,000
12	VERIZON COMMUNICATIONS INC	N/A	None (or less than $1,001)	Dividends,Capital Gain	$100,001 - $1,000,000
13	VISA INC	N/A	None (or less than $1,001)	Capital Gain	$100,001 - $1,000,000
14	WASTE MGMT INC DEL	N/A	None (or less than $1,001)	Capital Gain	$15,001 - $50,000
15	WELLS FARGO & CO NEW	N/A	None (or less than $1,001)	Dividends,Capital Gain	$50,001 - $100,000
16	YAHOO INC	N/A	None (or less than $1,001)	Capital Gain	$50,001 - $100,000
17	ADVANTAGE ADVISORS XANTHUS FUND, LLC	Y	None (or less than $1,001)		$100,001 - $1,000,000
	The Fred C. Trump December 16, 1976 Trust- F/B/O Donald J. Trump				
1	JP MORGAN CHASE - SAVINGS ACCOUNT	N/A	$1,000,001 - $5,000,000	Interest	$1,001 - $2,500

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Part 6: Other Assets and Income

#	Description	EIF	Value	Income Type	Income Amount
	JP MORGAN CLEARING CORP - BROKERAGE ACCOUNT - HOLDINGS				
1	APPLE, INC	N/A	None (or less than $1,001)	Dividends,Capital Gain	$100,001 - $1,000,000
2	CATERPILLER INC	N/A	None (or less than $1,001)	Dividends,Capital Gain	$15,001 - $50,000
3	MICROSOFT CORP	N/A	None (or less than $1,001)	Dividends,Capital Gain	$100,001 - $1,000,000
4	PEPSICO INC	N/A	None (or less than $1,001)	Dividends,Capital Gain	$15,001 - $50,000
5	ECO TEK 360 INC (f/k/a GLOBAL FASHION TECHNOLOGIES)	N/A	$1,001 - $15,000		None (or less than $201)
6	HALLIBURTON COMPANY	N/A	None (or less than $1,001)	Dividends,Capital Gain	$15,001 - $50,000
7	PHILLIPS 66 COM	N/A	None (or less than $1,001)	Dividends,Capital Gain	$5,001 - $15,000
	The Donald J Trump Revocable Trust				
1	CAPITAL ONE BANK - CHECKING AND SAVINGS (account funded 4/12/2017))	N/A	Over $50,000,000		None (or less than $201)
	DEUTSCHE ASSET & WEALTH MANAGEMENT A/C 1 BROKERAGE ACCT - HOLDINGS				
1	ADVANCE AUTO PTS INC COM	N/A	None (or less than $1,001)	Dividends, Capital Gain	$2,501 - $5,000
2	INVESCO EUROPEAN GROWTH FUND	Y	None (or less than $1,001)		$2,501 - $5,000
3	ALPHABET INC COM CL A	N/A	None (or less than $1,001)	Capital Gain	$15,001 - $50,000
4	ALPHABET INC COM CL C	N/A	None (or less than $1,001)	Capital Gain	$15,001 - $50,000
5	AMAZON COM INC COM	N/A	None (or less than $1,001)	Capital Gain	$15,001 - $50,000

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Part 6: Other Assets and Income

#	Description	EIF	Value	Income Type	Income Amount
6	AMERICAN WATER WORKS COM	N/A	None (or less than $1,001)	Dividends, Capital Gain	$15,001 - $50,000
7	AMERIPRISE FINANCIAL INC	N/A	None (or less than $1,001)	Dividends, Capital Gain	$15,001 - $50,000
8	AMETEK INC NEW COM	N/A	None (or less than $1,001)	Dividends, Capital Gain	$15,001 - $50,000
9	AMGEN INC DTD 5/15/2012	N/A	None (or less than $1,001)	Interest, Capital Gain	$1,001 - $2,500
10	APPLE INC COM	N/A	None (or less than $1,001)	Dividends, Capital Gain	$50,001 - $100,000
11	APPLE INC DTD 5/6/2014 3	N/A	None (or less than $1,001)	Interest, Capital Gain	$1,001 - $2,500
12	BOEING CO COM	N/A	None (or less than $1,001)	Dividends, Capital Gain	$5,001 - $15,000
13	BROADCOM LIMITED COM	N/A	None (or less than $1,001)	Dividends, Capital Gain	$5,001 - $15,000
14	BURLINGTN NORTH SANTA FE BOND	N/A	None (or less than $1,001)	Interest, Capital Gain	$1,001 - $2,500
15	CELGENE CORP COM	N/A	None (or less than $1,001)	Capital Gain	$50,001 - $100,000
16	CISCO SYS COM	N/A	None (or less than $1,001)	Dividends, Capital Gain	$201 - $1,000
17	CITIGROUP INC COM	N/A	None (or less than $1,001)	Dividends, Capital Gain	$5,001 - $15,000
18	COCA COLA CO/THE BOND	N/A	None (or less than $1,001)	Interest, Capital Gain	$1,001 - $2,500
19	COMCAST CORP NEW CL A	N/A	None (or less than $1,001)	Dividends, Capital Gain	$15,001 - $50,000
20	CONAGRA BRANDS INC COM	N/A	None (or less than $1,001)	Dividends, Capital Gain	$1,001 - $2,500
21	COSTCO WHSL CORP NEW COM	N/A	None (or less than $1,001)	Dividends, Capital Gain	$2,501 - $5,000
22	CROWN CASTLE INTERNATION	N/A	None (or less than $1,001)	Dividends, Capital Gain	$5,001 - $15,000
23	DISCOVER FINANCIAL SERVI	N/A	None (or less than $1,001)	Dividends, Capital Gain	$15,001 - $50,000

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Part 6: Other Assets and Income

#	Description	EIF	Value	Income Type	Income Amount
24	ECOLAB INC COM	N/A	None (or less than $1,001)	Dividends, Capital Gain	$15,001 - $50,000
25	EOG RES INC COM	N/A	None (or less than $1,001)	Dividends, Capital Gain	$15,001 - $50,000
26	EXPRESS SCRIPTS HLDG CO	N/A	None (or less than $1,001)	Capital Gain	$15,001 - $50,000
27	EXTRA SPACE STORAGE INC	N/A	None (or less than $1,001)	Dividends, Capital Gain	$15,001 - $50,000
28	GENERAL ELEC CAP CORP BOND	N/A	None (or less than $1,001)	Interest, Capital Gain	$2,501 - $5,000
29	GENERAL ELEC CO COM	N/A	None (or less than $1,001)	Dividends, Capital Gain	$50,001 - $100,000
30	GENERAL MOTORS FINL CO BOND	N/A	None (or less than $1,001)	Interest, Capital Gain	$201 - $1,000
31	GILEAD SCIENCES INC COM	N/A	None (or less than $1,001)	Dividends, Capital Gain	$100,001 - $1,000,000
32	HCA HOLDINGS INC COM	N/A	None (or less than $1,001)	Capital Gain	$2,501 - $5,000
33	HCA INC DTD 8/1/2011 6.5	N/A	None (or less than $1,001)	Interest, Capital Gain	$1,001 - $2,500
34	HOME DEPOT INC COM	N/A	None (or less than $1,001)	Dividends, Capital Gain	$15,001 - $50,000
35	INTUIT INC COM	N/A	None (or less than $1,001)	Dividends, Capital Gain	$15,001 - $50,000
36	J P MORGAN CHASE & CO CO	N/A	None (or less than $1,001)	Dividends, Capital Gain	$15,001 - $50,000
37	JARDEN CORP	N/A	None (or less than $1,001)	Capital Gain	$201 - $1,000
38	JOHNSON & JOHNSON COM	N/A	None (or less than $1,001)	Dividends, Capital Gain	$15,001 - $50,000
39	JPMORGAN CHASE BOND	N/A	None (or less than $1,001)	Interest, Capital Gain	$201 - $1,000
40	KRAFT HEINZ CO/THE COM	N/A	None (or less than $1,001)	Dividends, Capital Gain	$15,001 - $50,000
41	L BRANDS INC COM	N/A	None (or less than $1,001)	Dividends, Capital Gain	$15,001 - $50,000

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Part 6: Other Assets and Income

#	Description	EIF	Value	Income Type	Income Amount
42	MCKESSON HBOC INC COM	N/A	None (or less than $1,001)	Dividends, Capital Gain	$50,001 - $100,000
43	MEAD JOHNSON NUTRITION C	N/A	None (or less than $1,001)	Dividends, Capital Gain	$5,001 - $15,000
44	MEDIVATION INC COM	N/A	None (or less than $1,001)	Capital Gain	$15,001 - $50,000
45	MERCK & CO INC COM	N/A	None (or less than $1,001)	Dividends, Capital Gain	$5,001 - $15,000
46	MICROSOFT CORP COM	N/A	None (or less than $1,001)	Dividends, Capital Gain	$50,001 - $100,000
47	MORGAN STANLEY BOND	N/A	None (or less than $1,001)	Interest, Capital Gain	$201 - $1,000
48	NEWELL BRANDS INC COM	N/A	None (or less than $1,001)	Capital Gain	$201 - $1,000
49	NEXTERA ENERGY INC COM	N/A	None (or less than $1,001)	Dividends, Capital Gain	$15,001 - $50,000
50	NIKE INC CL B	N/A	None (or less than $1,001)	Dividends, Capital Gain	$50,001 - $100,000
51	NORFOLK SOUTHERN CORP CO	N/A	None (or less than $1,001)	Dividends, Capital Gain	$5,001 - $15,000
52	PARKER HANNIFIN CORP COM	N/A	None (or less than $1,001)	Dividends, Capital Gain	$5,001 - $15,000
53	PEPSICO INC COM	N/A	None (or less than $1,001)	Dividends, Capital Gain	$15,001 - $50,000
54	PEPSICO INC DTD 2/28/201 BOND	N/A	None (or less than $1,001)	Interest, Capital Gain	$1,001 - $2,500
55	PFIZER INC COM	N/A	None (or less than $1,001)	Dividends, Capital Gain	$1,001 - $2,500
56	PHILIP MORRIS INTL INC C	N/A	None (or less than $1,001)	Dividends, Capital Gain	$5,001 - $15,000
57	PROCTER & GAMBLE CO COM	N/A	None (or less than $1,001)	Dividends, Capital Gain	$5,001 - $15,000
58	PRUDENTIAL FINL INC COM	N/A	None (or less than $1,001)	Dividends, Capital Gain	$5,001 - $15,000
59	ROPER TECHNOLOGIES INC C	N/A	None (or less than $1,001)	Dividends, Capital Gain	$15,001 - $50,000

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Part 6: Other Assets and Income

#	Description	EIF	Value	Income Type	Income Amount
60	SALESFORCE COM INC	N/A	None (or less than $1,001)	Capital Gain	$5,001 - $15,000
61	SCHWAB CHARLES COM	N/A	None (or less than $1,001)	Capital Gain	$5,001 - $15,000
62	SEALED AIR CORP COM NEW	N/A	None (or less than $1,001)	Dividends, Capital Gain	$201 - $1,000
63	SMUCKER J M CO COM NEW	N/A	None (or less than $1,001)	Dividends, Capital Gain	$1,001 - $2,500
64	T MOBILE US INC COM	N/A	None (or less than $1,001)	Capital Gain	$1,001 - $2,500
65	THERMO FISHER SCIENTIFIC	N/A	None (or less than $1,001)	Dividends, Capital Gain	$15,001 - $50,000
66	TJX COS INC NEW COM	N/A	None (or less than $1,001)	Dividends, Capital Gain	$50,001 - $100,000
67	TWENTY FIRST CENTURY FOX	N/A	None (or less than $1,001)	Dividends, Capital Gain	$5,001 - $15,000
68	US T NTS DTD 8/15/2012 1	N/A	None (or less than $1,001)	Interest, Capital Gain	$1,001 - $2,500
69	V F CORP COM	N/A	None (or less than $1,001)	Dividends, Capital Gain	$5,001 - $15,000
70	VISA INC CL A COM	N/A	None (or less than $1,001)	Dividends, Capital Gain	$50,001 - $100,000
71	WELLS FARGO & CO NEW COM	N/A	None (or less than $1,001)	Dividends, Capital Gain	$15,001 - $50,000
	DEUTSCHE ASSET & WEALTH MANAGEMENT A/C 2 BOND ACCOUNT - HOLDINGS				
1	AMERICAN EXPRESS CREDIT	N/A	None (or less than $1,001)	Interest, Capital Gain	$2,501 - $5,000
2	ANHEUSER-BUSCH	N/A	None (or less than $1,001)	Interest, Capital Gain	$1,001 - $2,500
3	APPLE INC DTD 5/3/2013 0	N/A	None (or less than $1,001)	Interest, Capital Gain	$2,501 - $5,000
4	AT&T INC DTD 8/18/2011 2	N/A	None (or less than $1,001)	Interest, Capital Gain	$2,501 - $5,000

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#	Description	EIF	Value	Income Type	Income Amount
5	BANK OF NOVA SCOTIA	N/A	None (or less than $1,001)	Interest, Capital Gain	$2,501 - $5,000
6	BERKSHIRE HATHAWAY FIN	N/A	None (or less than $1,001)	Interest, Capital Gain	$2,501 - $5,000
7	BHP BILLITON FIN USA LTD	N/A	None (or less than $1,001)	Interest, Capital Gain	$5,001 - $15,000
8	CATERPILLAR FIN SERV CRP	N/A	None (or less than $1,001)	Interest, Capital Gain	$2,501 - $5,000
9	CHEVRON CORP	N/A	None (or less than $1,001)	Interest, Capital Gain	$2,501 - $5,000
10	CITIGROUP INC	N/A	None (or less than $1,001)	Interest, Capital Gain	$5,001 - $15,000
11	CONAGRA INC	N/A	None (or less than $1,001)	Interest, Capital Gain	$201 - $1,000
12	CREDIT SUISSE NEW YORK	N/A	None (or less than $1,001)	Interest, Capital Gain	$2,501 - $5,000
13	DEUTSCHE GOVERNMENT MONEY MARKET	N/A	None (or less than $1,001)	Dividends, Capital Gain	$5,001 - $15,000
14	DEUTSCHE MONEY MARKET SERIES	N/A	None (or less than $1,001)	Interest, Capital Gain	$201 - $1,000
15	ECOLAB INC DTD 12/8/2011	N/A	None (or less than $1,001)	Interest, Capital Gain	$5,001 - $15,000
16	EXXON MOBIL CORPORATION	N/A	None (or less than $1,001)	Interest, Capital Gain	$2,501 - $5,000
17	FHLB DTD 7/25/2016 0.00%	N/A	None (or less than $1,001)	Interest, Capital Gain	$2,501 - $5,000
18	FMCC DTD 8/7/2012 2.50%	N/A	None (or less than $1,001)	Interest, Capital Gain	$201 - $1,000
19	FNMA DTD 1/29/1999 0.00%	N/A	None (or less than $1,001)	Interest, Capital Gain	$201 - $1,000
20	FORD MTR DTD 12/18/2006	N/A	None (or less than $1,001)	Interest, Capital Gain	$5,001 - $15,000
21	GOLDMAN SACHS GROUP INC	N/A	None (or less than $1,001)	Interest, Capital Gain	$15,001 - $50,000
22	IBM CORP	N/A	None (or less than $1,001)	Interest, Capital Gain	$2,501 - $5,000

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#	Description	EIF	Value	Income Type	Income Amount
23	INTL BK RECON & DEVELOP	N/A	None (or less than $1,001)	Interest, Capital Gain	$1,001 - $2,500
24	J P MORGAN CHASE & CO	N/A	None (or less than $1,001)	Interest, Capital Gain	$2,501 - $5,000
25	JOHN DEERE CAPITAL CORP	N/A	None (or less than $1,001)	Interest, Capital Gain	$5,001 - $15,000
26	MCDONALD'S CORP	N/A	None (or less than $1,001)	Interest, Capital Gain	$1,001 - $2,500
27	MCKESSON CORP	N/A	None (or less than $1,001)	Interest, Capital Gain	$201 - $1,000
28	MORGAN STANLEY	N/A	None (or less than $1,001)	Interest, Capital Gain	$15,001 - $50,000
29	NBCUNIVERSAL MEDIA LLC	N/A	None (or less than $1,001)	Interest, Capital Gain	$201 - $1,000
30	NEW YORK CITY NY	N/A	None (or less than $1,001)	Interest, Capital Gain	$201 - $1,000
31	ORACLE CORP	N/A	None (or less than $1,001)	Interest, Capital Gain	$201 - $1,000
32	PEPSICO INC	N/A	None (or less than $1,001)	Interest, Capital Gain	$1,001 - $2,500
33	PNC BANK NA	N/A	None (or less than $1,001)	Interest, Capital Gain	$1,001 - $2,500
34	ROYAL BANK OF CANADA	N/A	None (or less than $1,001)	Interest, Capital Gain	$5,001 - $15,000
35	SHELL INTERNATIONAL FIN	N/A	None (or less than $1,001)	Interest, Capital Gain	$2,501 - $5,000
36	THERMO FISHER SCIENTIFIC	N/A	None (or less than $1,001)	Interest, Capital Gain	$2,501 - $5,000
37	TORONTO DOMINION BANK	N/A	None (or less than $1,001)	Interest, Capital Gain	$2,501 - $5,000
38	TOTAL CAPITAL INTL SA	N/A	None (or less than $1,001)	Interest, Capital Gain	$5,001 - $15,000
39	TOYOTA MOTOR CREDIT CORP	N/A	None (or less than $1,001)	Interest, Capital Gain	$2,501 - $5,000
40	UNITED STATES TREAS NTS	N/A	None (or less than $1,001)	Interest, Capital Gain	$5,001 - $15,000

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Part 6: Other Assets and Income

#	Description	EIF	Value	Income Type	Income Amount
41	VERIZON COMMUNICATIONS	N/A	None (or less than $1,001)	Interest, Capital Gain	$2,501 - $5,000
42	WAL MART STORES INC	N/A	None (or less than $1,001)	Interest, Capital Gain	$201 - $1,000
43	WELLS FARGO & COMPANY	N/A	None (or less than $1,001)	Interest, Capital Gain	$2,501 - $5,000
44	WESTPAC BANKING CORP	N/A	None (or less than $1,001)	Interest, Capital Gain	$2,501 - $5,000
	Family Trust 1*			Dividends, Capital Gains	$5,001 - $15,000
1	ISHARES MSCI EAFE INDEX FUND	Y	$15,001 - $50,000		
2	DODGE & COX INCOME FD	Y	$1,001 - $15,000		
3	ISHARES INC MSCI JAPAN NEW	Y	$1,001 - $15,000		
4	DODGE & COX INTL STOCK FD	Y	$1,001 - $15,000		
5	AMG MANAGERS PICTET INTERNATIONAL FUND CLASS I	Y	$1,001 - $15,000		
6	JOHN HAN II-ABS RET CURR-I	Y	$1,001 - $15,000		
7	BLACKROCK HIGH YIELD PT-BLAC	Y	$1,001 - $15,000		
8	CHILTON STRATEGIC EUROPEAN EQUITIES FD	Y	$1,001 - $15,000		
9	AQR MANAGED FUTURES STR-R6	Y	$1,001 - $15,000		
10	PRIMECAP ODYSSEY STOCK FD	Y	$15,001 - $50,000		
11	U.S. BANK CASH ACCOUNT	N/A	$1,001 - $15,000		
12	ISHARES RUSSELL MIDCAP INDEX FUND	Y	$15,001 - $50,000		

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Instructions for Part 6

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Part 6: Other Assets and Income

#	Description	EIF	Value	Income Type	Income Amount
13	SPDR S&P 500 ETF TRUST	Y	$15,001 - $50,000		
14	JPM GLBL RES ENH INDEX FD - CL I FUND 3457	Y	$15,001 - $50,000		
15	FMI LARGE CAP FUND-INST	Y	$1,001 - $15,000		
16	JPM US LARGE CP CORE PLUS FD - CL I FUND 1002	Y	$15,001 - $50,000		
17	NEUBERGER BER MU/C OPP-INS	Y	$15,001 - $50,000		
18	MFS EMERGING MKTS DEBT FD-I	Y	$1,001 - $15,000		
19	PIMCO UNCONSTRAINED BOND-INS	Y	$1,001 - $15,000		
20	ARTISAN INTL VALUE FD-INS	Y	$1,001 - $15,000		
21	JPM MID CAP VALUE FD - L FUND 758	Y	$1,001 - $15,000		
22	JPM SHRT-INT MUNI BND FD - CL L FUND 3602 1.48%	Y	$15,001 - $50,000		
23	AQR LONG-SHORT EQUITY-R6	Y	$1,001 - $15,000		
24	PRUDENTIAL TOTAL RETRN BND-Z	Y	None (or less than $1,001)		
25	VANGUARD INTM TRM INV G-ADM	Y	None (or less than $1,001)		
	Family Trust 2*			Dividends, Capital Gains	$5,001 - $15,000
1	ISHARES INC MSCI JAPAN NEW	Y	$1,001 - $15,000		
2	JPM US LARGE CP CORE PLUS FD - CL I FUND 1002	Y	$15,001 - $50,000		
3	CHILTON STRATEGIC EUROPEAN EQUITIES FD	Y	$1,001 - $15,000		

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Instructions for Part 6

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Part 6: Other Assets and Income

#	Description	EIF	Value	Income Type	Income Amount
4	JPM SHRT-INT MUNI BND FD - CL L FUND 3602 1.48%	Y	$15,001 - $50,000		
5	DODGE & COX INCOME FD	Y	$1,001 - $15,000		
6	ISHARES RUSSELL MIDCAP INDEX FUND	Y	$15,001 - $50,000		
7	ARTISAN INTL VALUE FD-INS	Y	$15,001 - $50,000		
8	ISHARES MSCI EAFE INDEX FUND	Y	$15,001 - $50,000		
9	U.S. BANK CASH ACCOUNT	N/A	$15,001 - $50,000		
10	AMG MANAGERS PICTET INTERNATIONAL FUND CLASS I	Y	$1,001 - $15,000		
11	PRIMECAP ODYSSEY STOCK FD	Y	$15,001 - $50,000		
12	JOHN HAN II-ABS RET CURR-I	Y	$1,001 - $15,000		
13	JPM GLBL RES ENH INDEX FD - CL I FUND 3457	Y	$15,001 - $50,000		
14	EQUINOX FDS TR IPM SYSTMATC I	Y	$1,001 - $15,000		
15	PIMCO UNCONSTRAINED BOND-INS	Y	$1,001 - $15,000		
16	BLACKROCK HIGH YIELD PT-BLAC	Y	$15,001 - $50,000		
17	FMI LARGE CAP FUND-INST	Y	$1,001 - $15,000		
18	MFS EMERGING MKTS DEBT FD-I	Y	$1,001 - $15,000		
19	JPM MID CAP VALUE FD - L FUND 758	Y	$15,001 - $50,000		
20	SPDR S&P 500 ETF TRUST	Y	$15,001 - $50,000		
21	AQR LONG-SHORT EQUITY-R6	Y	$1,001 - $15,000		

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Part 6: Other Assets and Income

#	Description	EIF	Value	Income Type	Income Amount
22	DODGE & COX INTL STOCK FD	Y	$1,001 - $15,000		
23	NEUBERGER BER MU/C OPP-INS	Y	$15,001 - $50,000		
24	PRUDENTIAL TOTAL RETRN BND-Z	Y	None (or less than $1,001)		
25	VANGUARD INTM TRM INV G-ADM	Y	None (or less than $1,001)		
	Family Trust 3*			Dividends, Capital Gains	$15,001 - $50,000
1	ISHARES RUSSELL MIDCAP INDEX FUND	Y	$15,001 - $50,000		
2	PRIMECAP ODYSSEY STOCK FD	Y	$15,001 - $50,000		
3	BLACKROCK HIGH YIELD PT-BLAC	Y	$15,001 - $50,000		
4	JPM SHRT-INT MUNI BND FD - CL L FUND 3602 1.48%	Y	$15,001 - $50,000		
5	ISHARES MSCI EAFE INDEX FUND	Y	$15,001 - $50,000		
6	JPM US LARGE CP CORE PLUS FD - CL I FUND 1002	Y	$15,001 - $50,000		
7	MFS EMERGING MKTS DEBT FD-I	Y	$1,001 - $15,000		
8	AQR MANAGED FUTURES STR-R6	Y	$1,001 - $15,000		
9	DODGE & COX INTL STOCK FD	Y	$15,001 - $50,000		
10	SPDR S&P 500 ETF TRUST	Y	$50,001 - $100,000		
11	DODGE & COX INCOME FD	Y	$1,001 - $15,000		
12	AMG MANAGERS PICTET INTERNATIONAL FUND CLASS I	Y	$1,001 - $15,000		

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Instructions for Part 6

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Part 6: Other Assets and Income

#	Description	EIF	Value	Income Type	Income Amount
13	ISHARES INC MSCI JAPAN NEW	Y	$1,001 - $15,000		
14	NEUBERGER BER MU/C OPP-INS	Y	$15,001 - $50,000		
15	ARTISAN INTL VALUE FD-INS	Y	$15,001 - $50,000		
16	PIMCO UNCONSTRAINED BOND-INS	Y	$1,001 - $15,000		
17	JOHN HAN II-ABS RET CURR-I	Y	$1,001 - $15,000		
18	AQR LONG-SHORT EQUITY-R6	Y	$1,001 - $15,000		
19	JPM MID CAP VALUE FD - L FUND 758	Y	$15,001 - $50,000		
20	JPM GLBL RES ENH INDEX FD - CL I FUND 3457	Y	$50,001 - $100,000		
21	CHILTON STRATEGIC EUROPEAN EQUITIES FD	Y	$1,001 - $15,000		
22	U.S. BANK CASH ACCOUNT	N/A	$15,001 - $50,000		
23	PRUDENTIAL TOTAL RETRN BND-Z	Y	None (or less than $1,001)		
24	VANGUARD INTM TRM INV G-ADM	Y	None (or less than $1,001)		
25	FMI LARGE CAP FUND	Y	None (or less than $1,001)		

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Instructions for Part 7

Note: This is a public form. Do not include account numbers, street addresses, or family member names. See instructions for required information.

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Part 7: Transactions

#	Description	Type	Date	Amount
1.	N/A			
2.				
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Instructions for Part 8

Note: This is a public form. Do not include account numbers, street addresses, or family member names. See instructions for required information.

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Part 8: Liabilities

#	Creditor Name	Type	Amount	Year Incurred	Rate	Term
1.	Ladder Capital Finance LLC	Trump Tower Commercial LLC - mortgage	Over $50,000,000	2012	4.200%	Matures in 2022
2.	Ladder Capital Finance I LLC	40 Wall Street LLC - loan	Over $50,000,000	2015	3.665%	Matures in 2025
3.	Deutsche Bank Trust Company Americas	Trump National Doral - mortgage	Over $50,000,000	2012	LIBOR + 1.75% or Prime minus .75%	Matures in 2023
4.	Deutsche Bank Trust Company Americas	Trump National Doral - mortgage	$5,000,001 - $25,000,000	2012	LIBOR + 1.75% or Prime minus .75%	Matures in 2023
5.	The Bank of New York Mellon Trust Company N.A., as trustee	Fifty-Seventh Street Associates LLC - issuer of secured lease bonds	$500,001 - $1,000,000	1996	7.125%	Matures in 2017
6.	Investors Savings Bank	Trump Park Avenue LLC - mortgage	$5,000,001 - $25,000,000	2010	3.250%	Matures in 2020
7.	Ladder Capital Finance LLC	Trump Plaza LLC - mortgage	$5,000,001 - $25,000,000	2014	3.850%	Matures in 2024
8.	Amboy Bank	Trump National Golf Club Colts Neck LLC - mortgage	$5,000,001 - $25,000,000	2008	5.250%	Matures in 2028
9.	Chevy Chase Trust Holdings, Inc. as successor in interest to Bondy Way Development	Trump National Golf Club Washington DC LLC - mortgage	$5,000,001 - $25,000,000	2009	5.500%	Matures in 2029
10.	Royal Bank America	Seven Springs - mortgage	$5,000,001 - $25,000,000	2000	4.000%	Matures in 2019
11.a.	UBS Real Estate Investments Inc.*	TIHT Commercial LLC - mortgage	$5,000,001 - $25,000,000	2006	6.180%	Matures in 2016
11.b.	Ladder Capital Finance LLC*	TIHT Commercial LLC - mortgage	$5,000,001 - $25,000,000	2016	4.050%	Matures in 2026
12.	Merrill Lynch Credit Corporation	1094 S Ocean Blvd - mortgage	$100,001 - $250,000	1994	Six month LIBOR + 1.50%	Matures in 2019
13.	Merrill Lynch Credit Corporation	124 Woodbridge Road - mortgage	$50,001 - $100,000	1993	Six month LIBOR + 1.75%	Matures in 2019
14.	Chicago Unit Acquisition LLC	TIHT Chicago - springing loan	Over $50,000,000	2012	Prime + 5%	Springing loan
15.	Deutsche Bank Trust Company Americas	TIHT Chicago - term loan	$25,000,001 - $50,000,000	2012	LIBOR + 2.00% or Prime minus .50%	Matures in 2024
16.	Deutsche Bank Trust Company Americas	Trump Old Post Office - loan	Over $50,000,000	2015	LIBOR or Prime + 2.00%	Matures in 2024
17.						

(*) UBS Real Estate Investments Inc. mortgage (11.a.) was refinanced by Ladder Capital Finance LLC (11.b.) after the close of the reporting period in 2016.

NOTE: Reporting date for liabilities is May 31, 2017 per 5 CFR 2634.308(b)(3).

OGE Form 278e (March 2014)

Instructions for Part 9

Note: This is a public form. Do not include account numbers, street addresses, or family member names. See instructions for required information.

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Part 9: Gifts and Travel Reimbursements

#	Source Name	City/State	Brief Description	Value
1.	N/A			
2.				
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Instructions for Part 2

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Reference #

Part 2 disclosed entities with assets over $1,000 or which produced income of over $200. This Schedule (EXHIBIT A) discloses the ownership structure of the entities on Part 2, as well as additional entities that are not disclosed on Part 2. For each of the entities below that are not disclosed on Part 2, the numerical or text label indicates which reason for non-disclosure applies. The numerical labels are as follows: *(1) have no independent value or income and are part of the entity structures listed in Part 2; (2) have no independent value or income and provide back office support functions to other entities; (3) are dormant/inactive; (4) have no independent value or income and exist to hold license deals that are prospective, inactive, or otherwise do not currently have valuable assets or create income; or (5) have no independent value or income, not inactive nor dormant, not part of an entity structure or license deal. This Schedule is being provided to ensure a complete picture of the assets and holdings of the filer. Gaps in numerical sequence are due to the removal of previously reported items no longer reportable on this exhibit. All of the interests listed below in this exhibit, which were formerly held by Donald J. Trump, directly or indirectly, are now held by The Donald J. Trump Revocable Trust.

1 ***4 SHADOW TREE LANE LLC *(5)***

Owned by :	% Ownership	Name	Role
	1	4 SHADOW TREE LANE MEMBER CORP	Managing Member
	99	DJT HOLDINGS LLC	Member

2 ***4 SHADOW TREE LANE MEMBER CORP *(1)***

Owned by :	% Ownership	Name	Role
	100	DJT HOLDINGS MANAGING MEMBER LLC	Shareholder

Has ownership interest in :	Entity Name	Ownership	Title
	4 SHADOW TREE LANE LLC	1.00%	Managing Member

3 ***40 Wall Development Associates, LLC *(1)***

Owned by :	% Ownership	Name	Role
	0.1	Parc Consulting, Inc.	Member
	99.9	The Donald J. Trump Revocable Trust	Member

Has ownership interest in :	Entity Name	Ownership	Title
	40 Wall Street LLC	99.90%	Member
	40 WALL STREET COMMERCIAL LLC	100.00%	Member
	40 Wall Street Member Corp.	100.00%	Shareholder

4 ***40 WALL STREET COMMERCIAL LLC***

Owned by :	% Ownership	Name	Role
	100	40 Wall Development Associates, LLC	Member

5 ***40 Wall Street LLC***

Owned by :	% Ownership	Name	Role
	0.1	40 Wall Street Member Corp.	Managing Member
	99.9	40 Wall Development Associates, LLC	Member

6 ***40 Wall Street Member Corp. *(1)***

Owned by :	% Ownership	Name	Role
	100	40 Wall Development Associates, LLC	Shareholder

Has ownership interest in :	Entity Name	Ownership	Title
	40 Wall Street LLC	0.10%	Managing Member

7 ***401 MEZZ VENTURE LLC *(1)***

Owned by :	% Ownership	Name	Role
	1	TRUMP CHICAGO MANAGING MEMBER LLC	Managing Member
	49	TRUMP CHICAGO MEMBER LLC	Member
	50	TIHT CHICAGO MEMBER ACQUISITION LLC	Member

Has ownership interest in :	Entity Name	Ownership	Title
	401 North Wabash Venture LLC	100.00%	Member
	TRUMP CHICAGO RETAIL LLC	100.00%	Member

8 ***401 North Wabash Venture LLC***

Owned by :	% Ownership	Name	Role
	100	401 MEZZ VENTURE LLC	Member

Has ownership interest in :	Entity Name	Ownership	Title
	TRUMP COMMERCIAL CHICAGO LLC	100.00%	Member

TRUMP PAYROLL CHICAGO LLC	100.00%	Managing Member	

9 ***809 NORTH CANON LLC***

Owned by :	% Ownership	Name	Role
	1	809 NORTH CANON MEMBER CORPORATION	Managing Member
	99	DJT HOLDINGS LLC	Member

10 ***809 NORTH CANON MEMBER CORPORATION *(1)***

Owned by :	% Ownership	Name	Role
	100	DJT HOLDINGS MANAGING MEMBER LLC	Shareholder

Has ownership interest in :	Entity Name	Ownership	Title
	809 NORTH CANON LLC	1.00%	Managing Member

11 ***81 Pine Note Holder Inc. *(3)***

Owned by :	% Ownership	Name	Role
	100	DJT Holdings LLC	Shareholder

12 ***845 UN Limited Partnership***

Owned by :	% Ownership	Name	Role
	60	Trump 845 LP LLC	Partner
	40	Trump 845 UN GP LLC	Partner

13 ***Ace Entertainment Holdings Inc. *(3)***

Owned by :	% Ownership	Name	Role
	100	DJT Holdings LLC	Shareholder

14 ***All County Building Supply & Maintenance Corp. *(3)***

Owned by :	% Ownership	Name	Role
	25	DJT Holdings LLC	Shareholder
	75	Trump Family Members	Shareholder

15 ***AVIATION PAYROLL COMPANY *(2)***

Owned by :	% Ownership	Name	Role
	100	DJT HOLDINGS MANAGING MEMBER LLC	Shareholder

16 ***B. Plaza Realty Corp. *(3)--DISSOLVED 11/10/16***

Owned by :	% Ownership	Name	Role
	100	Trump, Donald J.	Shareholder

17 ***Beach Haven Apartments #3 LLC *(3)***

Owned by :	% Ownership	Name	Role
	25	The Donald J. Trump Revocable Trust	Member
	75	Trump Family Members	Member

18 ***Beach Haven Apt #1, Inc. *(1)***

Owned by :	% Ownership	Name	Role
	25	The Donald J. Trump Revocable Trust	Shareholder
	75	Trump Family Members	Shareholder

Has ownership interest in :	Entity Name	Ownership	Title
	Starrett City Associates, L.P.	0.86%	Partner
	Spring Creek Plaza LLC	0.86%	Member

20 ***Beach Haven Shopping Center LLC *(3)***

Owned by :	% Ownership	Name	Role
	25	DJT Holdings LLC	Member
	75	Trump Family Members	Member

21 ***Bedford Hills Corp. *(1)***

Owned by :	% Ownership	Name	Role
	100	DJT Holdings LLC	Shareholder

Has ownership interest in :	Entity Name	Ownership	Title
	Seven Springs LLC	0.10%	Member

22 ***TRUMP BRIARCLIFF MANOR DEVELOPMENT LLC *(2)***

Owned by :	% Ownership	Name	Role
	0.1	BRIARCLIFF PROPERTIES, INC.	Member
	99.9	DJT HOLDINGS LLC	Member

23 ***Briar Hall Operations LLC *(3)***

Owned by :	% Ownership	Name	Role
	0.1	Development Member Inc.	Member
	99.9	DJT Holdings LLC	Member

24 ***BRIARCLIFF PROPERTIES, INC. *(1)***

Owned by :	% Ownership	Name	Role
	100	DJT HOLDINGS MANAGING MEMBER LLC	Shareholder

Has ownership interest in :	Entity Name	Ownership	Title
	BRIAR HALL DEVELOPMENT LLC (N/K/A TRUMP BRIARCLIFF MANOR DEVELOPMENT LLC)	0.10%	Member

25 ***Caribusiness Investments, S.R.L.***

Owned by :	% Ownership	Name	Role
	1	THE CARIBUSINESS RE CORP	Member
	99	CARIBUSINESS MRE LLC	Member

26 ***CARIBUSINESS MRE LLC *(1)***

Owned by :	% Ownership	Name	Role
	1	THE CARIBUSINESS RE CORP	Managing Member
	99	DJT Holdings LLC	Member

Has ownership interest in :	Entity Name	Ownership	Title
	Caribusiness Investments, S.R.L.	99.00%	Member

27 ***Chelsea Hall LLC *(3)***

Owned by :	% Ownership	Name	Role
	25	DJT Holdings LLC	Member
	75	Trump Family Members	Member

28 ***CHICAGO UNIT ACQUISITION LLC *(6)***

Owned by :	% Ownership	Name	Role
	100	DJT Holdings LLC	Member

29 ***CHINA TRADEMARK LLC *(3)***

Owned by :	% Ownership	Name	Role
	100	DJT Holdings LLC	Member

30 ***Clyde Hall, Inc. *(3)***

Owned by :	% Ownership	Name	Role
	25	DJT Holdings LLC	Shareholder
	75	Trump Family Members	Shareholder

31 ***Coronet Hall, Inc. *(3)***

Owned by :	% Ownership	Name	Role
	25	DJT Holdings LLC	Shareholder
	75	Trump Family Members	Shareholder

32 ***Country Apartments, LLC***

Owned by :	% Ownership	Name	Role
	25	DJT Holdings LLC	Member
	75	Trump Family Members	Member

33 ***Country Investors LLC *(3)***

Owned by :	% Ownership	Name	Role
	25	DJT Holdings LLC	Member
	75	Trump Family Members	Member

34 ***Country Properties, LLC***

Owned by :	% Ownership	Name	Role
	25	DJT Holdings LLC	Member
	75	Trump Family Members	Member

35 ***D B PACE ACQUISITION MEMBER CORP *(1)***

Owned by :	% Ownership	Name	Role
	100	DJT HOLDINGS MANAGING MEMBER LLC	Shareholder

Has ownership interest in :	Entity Name	Ownership	Title

D B Pace Acquisition, LLC	1.00%	Managing Member	

36 ***D B Pace Acquisition, LLC***

Owned by :	% Ownership	Name	Role
	1	D B PACE ACQUISITION MEMBER CORP	Managing Member
	99	DJT Holdings LLC	Member

37 ***Development Member Inc. *(3)***

Owned by :	% Ownership	Name	Role
	100	DJT HOLDINGS MANAGING MEMBER LLC	Shareholder

Has ownership interest in :	Entity Name	Ownership	Title
	Briar Hall Operations LLC	0.10%	Member

38 ***DJ Aerospace (Bermuda) Limited *(3)***

Owned by :	% Ownership	Name	Role
	100	DJT Holdings LLC	Shareholder

39 ***DJT AEROSPACE LLC***

Owned by :	% Ownership	Name	Role
	100	The Donald J. Trump Revocable Trust	Member

40 ***DJT ENTREPRENEUR MANAGING MEMBER LLC *(1)***

Owned by :	% Ownership	Name	Role
	100	DJT Holdings LLC	Member

Has ownership interest in :	Entity Name	Ownership	Title
	THE TRUMP ENTREPRENEUR INITIATIVE LLC (NY DOMESTIC)	0.10%	Managing Member

41 ***DJT ENTREPRENEUR MEMBER LLC *(1)***

Owned by :	% Ownership	Name	Role
	100	DJT Holdings LLC	Member

Has ownership interest in :	Entity Name	Ownership	Title
	THE TRUMP ENTREPRENEUR INITIATIVE LLC (NY DOMESTIC)	91.90%	Member

42 ***DJT HOLDINGS LLC***

Assumed Names :	D/B/A	Jurisdiction	Expiration Date	Filing Date
	DJT 3 HOLDINGS LLC	Florida		

Owned by :	% Ownership	Name	Role
	1	DJT HOLDINGS MANAGING MEMBER LLC	Managing Member
	99	The Donald J. Trump Revocable Trust	Member

Has ownership interest in : various entities as indicated elsewhere in this schedule

43 ***DJT HOLDINGS MANAGING MEMBER LLC *(1)***

Owned by :	% Ownership	Name	Role
	100	The Donald J. Trump Revocable Trust	Member

Has ownership interest in : various entities as indicated elsewhere in this schedule

44 ***DJT LAND HOLDINGS MEMBER CORP *(3)***

Owned by :	% Ownership	Name	Role
	100	DJT HOLDINGS MANAGING MEMBER LLC	Shareholder

45 ***DJT OPERATIONS CX LLC *(5)***

Owned by :	% Ownership	Name	Role
	100	DJT Holdings LLC	Member

46 ***DJT OPERATIONS I LLC***

Owned by :	% Ownership	Name	Role
	100	The Donald J. Trump Revocable Trust	Member

47 ***DJT OPERATIONS II LLC *(1)***

Owned by :	% Ownership	Name	Role

	100	The Donald J. Trump Revocable Trust	Member

Has ownership interest in :	Entity Name	Ownership	Title
	TAG AIR INC.	100.00%	Shareholder

48 ***Donald J Trump Enterprises LLC *(3)***

Owned by :	% Ownership	Name	Role
	100	Trump Family Members	Member

49 ***Donald J. Trump Enterprises II LLC *(3)***

Owned by :	% Ownership	Name	Role
	100	Trump Family Members	Member

50 ***Donald J. Trump Enterprises III LLC *(3)***

Owned by :	% Ownership	Name	Role
	100	Trump Family Members	Member

51 ***DSN LICENSING LLC *(3)--DISSOLVED 11/9/16***

Owned by :	% Ownership	Name	Role
	1	Trump, Donald J.	Member
	99	DSN LICENSING MEMBER CORP	Managing Member

52 ***DSN LICENSING MEMBER CORP *(3)--DISSOLVED 11/9/16***

Owned by :	% Ownership	Name	Role
	100	Trump, Donald J.	Shareholder

Has ownership interest in :	Entity Name	Ownership	Title
	DSN LICENSING LLC	99.00%	Managing Member

53 ***DT APP WARRANT HOLDING LLC *(3)***

Owned by :	% Ownership	Name	Role
	1	DT APP WARRANT HOLDING MANAGING MEMBER CORP	Managing Member
	99	DTTM OPERATIONS LLC	Member

54 ***DT APP WARRANT HOLDING MANAGING MEMBER CORP *(3)***

Owned by :	% Ownership	Name	Role
	100	DTTM Operations Managing Member Corp	Shareholder

Has ownership interest in :	Entity Name	Ownership	Title
	DT APP WARRANT HOLDING LLC	1.00%	Managing Member

55 ***DT CONNECT II LLC***

Owned by :	% Ownership	Name	Role
	1	DT CONNECT II MEMBER CORP	Managing Member
	99	DJT HOLDINGS LLC	Member

56 ***DT CONNECT II MEMBER CORP *(1)***

Owned by :	% Ownership	Name	Role
	100	The Donald J. Trump Revocable Trust	Shareholder

Has ownership interest in :	Entity Name	Ownership	Title
	DT CONNECT II LLC	1.00%	Managing Member

59 ***DT DUBAI GOLF MANAGER LLC***

Owned by :	% Ownership	Name	Role
	1	DT DUBAI GOLF MANAGER MEMBER CORP	Managing Member
	99	DJT Holdings LLC	Member

60 ***DT DUBAI GOLF MANAGER MEMBER CORP *(1)***

Owned by :	% Ownership	Name	Role
	100	DJT Holdings Managing Member LLC	Shareholder

Has ownership interest in :	Entity Name	Ownership	Title
	DT DUBAI GOLF MANAGER LLC	1.00%	Managing Member

61 ***DT DUBAI II GOLF MANAGER LLC***

Owned by :	% Ownership	Name	Role
	1	DT DUBAI II GOLF MANAGER MEMBER CORP	Managing Member
	99	TTTT VENTURE LLC	Member

62 ***DT DUBAI II GOLF MANAGER MEMBER CORP *(1)***

Owned by :	% Ownership	Name	Role
	100	DJT Holdings Managing Member LLC	Shareholder

Has ownership interest in :	Entity Name	Ownership	Title
	DT DUBAI II GOLF MANAGER LLC	1.00%	Managing Member

63 ***DT HOME MARKS INTERNATIONAL LLC***

Owned by :	% Ownership	Name	Role
	1	DT HOME MARKS INTERNATIONAL MEMBER CORP	Managing Member
	99	DTTM OPERATIONS LLC	Member

64 ***DT HOME MARKS INTERNATIONAL MEMBER CORP *(1)***

Owned by :	% Ownership	Name	Role
	100	DTTM Operations Managing Member Corp	Shareholder

Has ownership interest in :	Entity Name	Ownership	Title
	DT HOME MARKS INTERNATIONAL LLC	1.00%	Managing Member

65 ***DT INDIA VENTURE LLC *(3)***

Owned by :	% Ownership	Name	Role
	1	DT INDIA VENTURE MANAGING MEMBER CORP	Member
	99	DTTM OPERATIONS LLC	Member

66 ***DT INDIA VENTURE MANAGING MEMBER CORP *(3)***

Owned by :	% Ownership	Name	Role
	100	DTTM Operations Managing Member Corp	Shareholder

Has ownership interest in :	Entity Name	Ownership	Title
	DT INDIA VENTURE LLC	1.00%	Member

67 ***DT MARKS BAKU LLC *(3)***

Owned by :	% Ownership	Name	Role
	1	DT MARKS BAKU MANAGING MEMBER CORP	Managing Member
	99	DTTM OPERATIONS LLC	Member

68 ***DT MARKS BAKU MANAGING MEMBER CORP *(3)***

Owned by :	% Ownership	Name	Role
	100	DTTM Operations Managing Member Corp	Shareholder

Has ownership interest in :	Entity Name	Ownership	Title
	DT MARKS BAKU LLC	1.00%	Managing Member

71 ***DT MARKS DUBAI LLC *(4)***

Owned by :	% Ownership	Name	Role
	1	DT MARKS DUBAI MEMBER CORP	Managing Member
	99	DTTM OPERATIONS LLC	Member

72 ***DT MARKS DUBAI MEMBER CORP *(4)***

Owned by :	% Ownership	Name	Role
	100	DTTM Operations Managing Member Corp	Shareholder

Has ownership interest in :	Entity Name	Ownership	Title
	DT MARKS DUBAI LLC	1.00%	Managing Member

73 ***DT MARKS GURGAON LLC *(4)***

Owned by :	% Ownership	Name	Role
	1	DT MARKS GURGAON MANAGING MEMBER CORP	Managing Member
	99	DTTM OPERATIONS LLC	Member

74 *DT MARKS GURGAON MANAGING MEMBER CORP *(4)*

Owned by :	% Ownership	Name		Role
	100	DTTM Operations Managing Member Corp		Shareholder
Has ownership interest in :	**Entity Name**	**Ownership**	**Title**	
	DT MARKS GURGAON LLC	1.00%	Managing Member	

75 *DT MARKS JERSEY CITY LLC *(4)*

Owned by :	% Ownership	Name	Role
	100	DTTM OPERATIONS LLC	Member

76 *DT MARKS JUPITER LLC *(4)*

Owned by :	% Ownership	Name	Role
	100	DTTM OPERATIONS LLC	Managing Member

77 *DT MARKS PRODUCTS INTERNATIONAL LLC *(4)*

Owned by :	% Ownership	Name	Role
	1	DT MARKS PRODUCTS INTERNATIONAL MEMBER CORP	Managing Member
	99	DTTM OPERATIONS LLC	Member

78 *DT MARKS PRODUCTS INTERNATIONAL MEMBER CORP *(4)*

Owned by :	% Ownership	Name		Role
	100	DTTM Operations Managing Member Corp		Shareholder
Has ownership interest in :	**Entity Name**	**Ownership**	**Title**	
	DT MARKS PRODUCTS INTERNATIONAL LLC	1.00%	Managing Member	

79 *DT MARKS PUNE II LLC *(3)*

Owned by :	% Ownership	Name	Role
	1	DT MARKS PUNE II MANAGING MEMBER CORP	Managing Member
	99	DTTM OPERATIONS LLC	Member

80 *DT MARKS PUNE II MANAGING MEMBER CORP *(3)*

Owned by :	% Ownership	Name		Role
	100	DTTM Operations Managing Member Corp		Shareholder
Has ownership interest in :	**Entity Name**	**Ownership**	**Title**	
	DT MARKS PUNE II LLC	1.00%	Managing Member	

81 *DT MARKS PUNE LLC *(4)*

Owned by :	% Ownership	Name	Role
	1	DT MARKS PUNE MANAGING MEMBER CORP	Managing Member
	99	DTTM OPERATIONS LLC	Member

82 *DT MARKS PUNE MANAGING MEMBER CORP *(4)*

Owned by :	% Ownership	Name		Role
	100	DTTM Operations Managing Member Corp		Shareholder
Has ownership interest in :	**Entity Name**	**Ownership**	**Title**	
	DT MARKS PUNE LLC	1.00%	Managing Member	

83 *DT MARKS QATAR LLC *(3)--DISSOLVED 1/26/17*

Owned by :	% Ownership	Name	Role
	1	DT MARKS QATAR MEMBER CORP	Managing Member
	99	DTTM OPERATIONS LLC	Member

84 *DT MARKS QATAR MEMBER CORP *(3)--DISSOLVED 1/26/17*

Owned by :	% Ownership	Name		Role
	100	DTTM Operations Managing Member Corp		Shareholder
Has ownership interest in :	**Entity Name**	**Ownership**	**Title**	

DT MARKS QATAR LLC	1.00%	Managing Member

85 ***DT MARKS RIO LLC *(3)***

Owned by :	% Ownership	Name	Role
	1	DT MARKS RIO MEMBER CORP	Managing Member
	99	DTTM OPERATIONS LLC	Member

86 ***DT MARKS RIO MEMBER CORP *(3)***

Owned by :	% Ownership	Name	Role
	100	DTTM Operations Managing Member Corp	Shareholder

Has ownership interest in :	Entity Name	Ownership	Title
	DT MARKS RIO LLC	1.00%	Managing Member

87 ***DT MARKS VANCOUVER LP***

Owned by :	% Ownership	Name	Title
	1	DT MARKS VANCOUVER MEMBER CORP	General Partner
	99	The Donald J. Trump Revocable Trust	Limited Partner

88 ***DT MARKS VANCOUVER MEMBER CORP *(1)***

Owned by :	% Ownership	Name	Role
	100	DTTM Operations Managing Member Corp	Shareholder

Has ownership interest in :	Entity Name	Ownership	Title
	DT MARKS VANCOUVER LP	1.000000 units (100.00 %)	General Partner

89 ***DT Marks Worli LLC***

Owned by :	% Ownership	Name	Role
	1	DT Marks Worli Member Corp	Managing Member
	99	DTTM OPERATIONS LLC	Member

90 ***DT Marks Worli Member Corp *(1)***

Owned by :	% Ownership	Name	Role
	100	DTTM Operations Managing Member Corp	Shareholder

Has ownership interest in :	Entity Name	Ownership	Title
	DT Marks Worli LLC	1.00%	Managing Member

91 ***DT TOWER GURGAON LLC***

Owned by :	% Ownership	Name	Role
	1	DT TOWER GURGAON MANAGING MEMBER CORP	Managing Member
	99	TTTT Venture LLC	Member

92 ***DT TOWER GURGAON MANAGING MEMBER CORP *(1)***

Owned by :	% Ownership	Name	Role
	100	DTTM Operations Managing Member Corp	Shareholder

Has ownership interest in :	Entity Name	Ownership	Title
	DT TOWER GURGAON LLC	1.00%	Managing Member

93 ***DTW VENTURE LLC***

Owned by :	% Ownership	Name	Role
	100	DJT Holdings LLC	Member

94 ***DTW VENTURE MANAGING MEMBER CORP. *(3)***

Owned by :	% Ownership	Name	Role
	100	DJT Holdings Managing Member LLC	Shareholder

95 ***EID Venture I Corporation *(3)***

Owned by :	% Ownership	Name	Role
	100	DTTM Operations Managing Member Corp	Shareholder

96 ***EID Venture I LLC *(3)***

Owned by :	% Ownership	Name	Role

Reference #

100	DTTM OPERATIONS LLC	Member

97 ***Excel Venture I Corporation *(1)***

Owned by :	% Ownership	Name	Role
	100	DJT Holdings Managing Member LLC	Shareholder

Has ownership interest in :	Entity Name	Ownership	Title
	Excel Venture I LLC	1.00%	Managing Member

98 ***Excel Venture I LLC***

Owned by :	% Ownership	Name	Role
	1	Excel Venture I Corporation	Managing Member
	99	DJT HOLDINGS LLC	Member

99 ***Fifty-Seven Management Corp. *(1)***

Owned by :	% Ownership	Name	Role
	100	The Donald J. Trump Revocable Trust	Shareholder

Has ownership interest in :	Entity Name	Ownership	Title
	Fifty-Seventh Street Associates LLC	1.00%	Managing Member

100 ***Fifty-Seventh Street Associates LLC***

Owned by :	% Ownership	Name	Role
	1	Fifty-Seven Management Corp.	Managing Member
	99	The Trump-Equitable Fifth Avenue Company	Member

101 ***FIRST MEMBER INC *(1)***

Owned by :	% Ownership	Name	Role
	100	The Donald J. Trump Revocable Trust	Shareholder

Has ownership interest in :	Entity Name	Ownership	Title
	TRUMP PALACE/PARC LLC	0.10%	Managing Member

102 ***FLIGHTS INC *(5)***

Owned by :	% Ownership	Name	Role
	100	DJT Holdings Managing Member LLC	Shareholder

103 ***FLORIDA PROPERTIES MANAGEMENT LC *(2)***

Owned by :	% Ownership	Name	Role
	100	DJT Holdings LLC	Member

104 ***Fountainbleu Apartments LLC *(3)***

Owned by :	% Ownership	Name	Role
	25	DJT Holdings LLC	Member
	75	Trump Family Members	Member

105 ***Golf Productions LLC *(5)***

Owned by :	% Ownership	Name	Role
	1	Golf Productions Member Corp	Managing Member
	99	DJT Holdings LLC	Member

106 ***Golf Productions Member Corp *(1)***

Owned by :	% Ownership	Name	Role
	100	DJT Holdings Managing Member LLC	Shareholder

Has ownership interest in :	Entity Name	Ownership	Title
	Golf Productions LLC	1.00%	Managing Member

107 ***Golf Recreation Scotland Limited *(1)***

Owned by :	% Ownership	Name	Role
	100	TURNBERRY SCOTLAND LLC	Sole Member

Has ownership interest in :	Entity Name	Ownership	Title
	TRUMP TURNBERRY	100.00%	Shareholder

108 ***HELICOPTER AIR SERVICES INC *(3)***

Owned by :	% Ownership	Name	Role
	100	DJT HOLDINGS MANAGING MEMBER LLC	Shareholder

110 ***Hudson Waterfront Associates I, LP *(1)***

Owned by :	% Ownership	Name	Role
	1	HUDSON WATERFRONT I CORPORATION	Partner
	69	HUDSON WESTSIDE ASSOCIATES I, L.P.	Partner
	30	The Donald J. Trump Revocable Trust	Partner

Has ownership interest in :	Entity Name	Ownership	Title
	HWA 555 Owners, LLC	100.00%	Partner

111 ***Hudson Waterfront Associates II, LP *(5)***

Owned by :	% Ownership	Name	Role
	1	HUDSON WATERFRONT II CORPORATION	Partner
	69	HUDSON WESTSIDE ASSOCIATES II, L.P.	Partner
	30	The Donald J. Trump Revocable Trust	Partner

112 ***Hudson Waterfront Associates III, LP *(1)***

Owned by :	% Ownership	Name	Role
	1	HUDSON WATERFRONT III CORPORATION	Partner
	69	HUDSON WESTSIDE ASSOCIATES III, L.P.	Partner
	30	The Donald J. Trump Revocable Trust	Partner

Has ownership interest in :	Entity Name	Ownership	Title
	HWA 1290 III LLC	100.00%	Partner

113 ***Hudson Waterfront Associates IV, LP *(1)***

Owned by :	% Ownership	Name	Role
	1	HUDSON WATERFRONT IV CORPORATION	Partner
	69	HUDSON WESTSIDE ASSOCIATES IV, L.P.	Partner
	30	The Donald J. Trump Revocable Trust	Partner

Has ownership interest in :	Entity Name	Ownership	Title
	HWA 1290 IV LLC	100.00%	Partner

114 ***Hudson Waterfront Associates V LP *(1)***

Owned by :	% Ownership	Name	Role
	1	HUDSON WATERFRONT V CORPORATION	Partner
	69	HUDSON WESTSIDE ASSOCIATES V, L.P.	Partner
	30	The Donald J. Trump Revocable Trust	Partner

Has ownership interest in :	Entity Name	Ownership	Title
	HWA 1290 V LLC	100.00%	Partner

116 ***Indian Hills Holdings LLC *(3)***

Owned by :	% Ownership	Name	Role
	100	DJT Holdings LLC	Member

117 ***TRUMP NATIONAL GOLF CLUB - JUPITER***

Owned by :	% Ownership	Name	Role
	1	JUPITER GOLF CLUB MANAGING MEMBER CORP	Managing Member
	99	DJT HOLDINGS LLC	Member

118 ***JUPITER GOLF CLUB MANAGING MEMBER CORP *(1)***

Owned by :	% Ownership	Name	Role
	100	DJT HOLDINGS MANAGING MEMBER LLC	Shareholder

Has ownership interest in :	Entity Name	Ownership	Title

	TRUMP NATIONAL GOLF CLUB - JUPITER	1.00%	Managing Member

119 ***LAMINGTON FAMILY HOLDINGS LLC***

Owned by :	% Ownership	Name	Role
	100	DJT Holdings LLC	Member

120 ***TRUMP NATIONAL GOLF CLUB - BEDMINSTER***

Owned by :	% Ownership	Name	Role
	100	LFB ACQUISITION LLC	Member

121 ***Lawrence Towers Apartments LLC *(3)***

Owned by :	% Ownership	Name	Role
	25	DJT Holdings LLC	Member
	75	Trump Family Members	Member

122 ***LFB ACQUISITION LLC *(1)***

Owned by :	% Ownership	Name	Role
	1	LFB ACQUISITION MEMBER CORP	Managing Member
	99	DJT HOLDINGS LLC	Member

Has ownership interest in :	Entity Name	Ownership	Title
	TRUMP NATIONAL GOLF CLUB - BEDMINSTER	100.00%	Member

123 ***LFB ACQUISITION MEMBER CORP *(1)***

Owned by :	% Ownership	Name	Role
	100	DJT HOLDINGS MANAGING MEMBER LLC	Shareholder

Has ownership interest in :	Entity Name	Ownership	Title
	LFB ACQUISITION LLC	1.00%	Managing Member

125 ***MAR-A-LAGO CLUB INC *(1)***

Owned by :	% Ownership	Name	Role
	100	DJT HOLDINGS MANAGING MEMBER LLC	Shareholder

Has ownership interest in :	Entity Name	Ownership	Title
	MAR-A-LAGO CLUB, L.L.C.	0.01%	Member
	MALC, Inc.	100.00%	Shareholder

126 ***MAR-A-LAGO CLUB, L.L.C.***

Assumed Names :	D/B/A
	MAR-A-LAGO CLUB, L.L.C., L.C.

Owned by :	% Ownership	Name	Role
	0.01	MAR-A-LAGO CLUB INC	Member
	99.99	The Donald J. Trump Revocable Trust	Member

127 ***Midland Associates *(3)***

Owned by :	% Ownership	Name	Role
	25	DJT Holdings LLC	Partner
	75	Trump Family Members	Partner

128 ***NITTO WORLD CO., LIMITED *(3)***

Owned by :	% Ownership	Name	Role
	100	TRUMP TURNBERRY	Shareholder

129 ***OCEAN DEVELOPMENT MEMBER INC *(3)***

Owned by :	% Ownership	Name	Role
	100	DJT Holdings LLC	Shareholder

Has ownership interest in :	Entity Name	Ownership	Title
	OCEAN DEVELOPMENT SERVICES LLC	1.00%	Member

131 ***One Central Park West Associates *(3)***

Owned by :	% Ownership	Name	Role
	50	TRUMP CENTRAL PARK WEST CORP	Partner
	50	GALBREATH COLUMBUS CIRCLE DEVELOPMENT ASSOCIATES, L.P.	Partner

Has ownership interest in :	Entity Name	Ownership	Title
	One Central Park West PT Associates	34.30%	Member

132 ***One Central Park West PT Associates *(3)***

Owned by :	% Ownership	Name	Role
	34.3	One Central Park West Associates	Partner
	65.7	CPW PT Partners, G.P.	Partner

133 ***OPO HOTEL MANAGER LLC *(5)***

Owned by :	% Ownership	Name	Role
	1	OPO HOTEL MANAGER MEMBER CORP	Managing Member
	22.50	Trump Family Members	Member
	76.50	DJT HOLDINGS LLC	Member

134 ***OPO HOTEL MANAGER MEMBER CORP *(1)***

Owned by :	% Ownership	Name	Role
	100	DJT Holdings Managing Member LLC	Shareholder

Has ownership interest in :	Entity Name	Ownership	Title
	OPO HOTEL MANAGER LLC	1.00%	Managing Member

135 ***OWO DEVELOPER LLC *(3)***

Owned by :	% Ownership	Name	Role
	100	DJT Holdings LLC	Member

136 ***PANAMA OCEAN CLUB MANAGEMENT LLC *(3)***

Owned by :	% Ownership	Name	Role
	1	PANAMA OCEAN CLUB MANAGEMENT MEMBER CORP	Managing Member
	99	DJT Holdings LLC	Member

137 ***PANAMA OCEAN CLUB MANAGEMENT MEMBER CORP *(3)***

Owned by :	% Ownership	Name	Role
	100	DJT Holdings Managing Member LLC	Shareholder

Has ownership interest in :	Entity Name	Ownership	Title
	PANAMA OCEAN CLUB MANAGEMENT LLC	1.00%	Managing Member

138 ***Paramount RPV Holdings LLC *(3)--DISSOLVED 10/14/16***

Owned by :	% Ownership	Name	Role
	1	Paramount RPV Holdings Manager Corp	Managing Member
	99	DJT HOLDINGS LLC	Member

139 ***Paramount RPV Holdings Manager Corp *(3)--DISSOLVED 10/14/16***

Owned by :	% Ownership	Name	Role
	100	Trump, Donald J.	Shareholder

Has ownership interest in :	Entity Name	Ownership	Title
	Paramount RPV Holdings LLC	1.00%	Managing Member

140 ***Parc Consulting, Inc. *(1)***

Owned by :	% Ownership	Name	Role
	100	DJT Holdings Managing Member LLC	Shareholder

Has ownership interest in :	Entity Name	Ownership	Title
	40 Wall Development Associates, LLC	0.10%	Member

141 ***Park Briar Associates *(1)***

Owned by :	% Ownership	Name	Role
	25	The Donald J. Trump Revocable Trust	Partner
	75	Trump Family Members	Partner

Has ownership interest in :	Entity Name	Ownership	Title
	Starrett City Associates, L.P.	1.47%	Partner
	Spring Creek Plaza LLC	1.47%	Member

142 ***PINE HILL DEVELOPMENT LLC***

Owned by :	% Ownership	Name	Role
	1	PINE HILL DEVELOPMENT MANAGING MEMBER CORP	Managing Member
	99	DJT HOLDINGS LLC	Member

143 ***PINE HILL DEVELOPMENT MANAGING MEMBER CORP *(1)***

Owned by : % Ownership: 100 | Name: DJT Holdings Managing Member LLC | Role: Shareholder

Has ownership interest in : Entity Name: PINE HILL DEVELOPMENT LLC | Ownership: 1.00% | Title: Managing Member

144 ***Plaza Consulting Corp. *(1)***

Owned by : % Ownership: 100 | Name: The Donald J. Trump Revocable Trust | Role: Shareholder

Has ownership interest in : Entity Name: The East 61 Street Company, LP | Ownership: 0.10% | Title: Partner

145 ***POKER VENTURE LLC *(3)***

Owned by : % Ownership: 1 | Name: POKER VENTURE MANAGING MEMBER CORP | Role: Managing Member

% Ownership: 99 | Name: DTTM OPERATIONS LLC | Role: Member

146 ***POKER VENTURE MANAGING MEMBER CORP *(3)***

Owned by : % Ownership: 100 | Name: DTTM Operations Managing Member Corp | Role: Shareholder

Has ownership interest in : Entity Name: POKER VENTURE LLC | Ownership: 1.00% | Title: Managing Member

147 ***Reg-Tru Equities, LTD *(3)***

Owned by : % Ownership: 100 | Name: DJT Holdings Managing Member LLC | Role: Shareholder

148 ***RESTAURANT 40 LLC *(3)--DISSOLVED 11/9/16***

Owned by : % Ownership: 1 | Name: Restaurant 40 Member Corp | Role: Managing Member

% Ownership: 99 | Name: Trump, Donald J. | Role: Member

149 ***RESTAURANT 40 MEMBER CORP *(3)--DISSOLVED 11/9/16***

Owned by : % Ownership: 100 | Name: Trump, Donald J. | Role: Shareholder

Has ownership interest in : Entity Name: RESTAURANT 40 LLC | Ownership: 1.00% | Title: Managing Member

150 ***RPV DEVELOPMENT LLC *(1)***

Owned by : % Ownership: 100 | Name: DJT HOLDINGS MANAGING MEMBER LLC | Role: Member

Has ownership interest in : Entity Name: TRUMP NATIONAL GOLF CLUB - LOS ANGELES | Ownership: 100.00% | Title: Shareholder

151 ***SCOTLAND ACQUISITIONS LLC *(3)***

Owned by : % Ownership: 100 | Name: DJT Holdings LLC | Role: Member

152 ***SENTIENT JETS MEMBER CORP *(3)--DISSOLVED 11/9/16***

Owned by : % Ownership: 100 | Name: Trump, Donald J. | Role: Shareholder

Has ownership interest in : Entity Name: TRUMP JETS LLC | Ownership: 1.00% | Title: Managing Member

153 ***Seven Springs LLC***

Owned by : % Ownership: 0.1 | Name: Bedford Hills Corp. | Role: Managing Member

% Ownership: 99.9 | Name: DJT HOLDINGS LLC | Role: Member

154 ***Shore Haven Apt#1, Inc. *(1)***

Owned by : % Ownership | Name | Role

	25	The Donald J. Trump Revocable Trust	Shareholder
	75	Trump Family Members	Shareholder

Has ownership interest in :	Entity Name	Ownership	Title
	Starrett City Associates, L.P.	1.72%	Partner
	Spring Creek Plaza LLC	1.72%	Member

156 ***Shore Haven Shopping Center LLC *(3)***

Owned by :	% Ownership	Name	Role
	25	DJT Holdings LLC	Member
	75	Trump Family Members	Member

157 ***TRUMP TURNBERRY***

Owned by :	% Ownership	Name	Role
	100	Golf Recreation Scotland Limited	Sole Shareholder

Has ownership interest in :	Entity Name	Ownership	Title
	NITTO WORLD CO., LIMITED	100.00%	Shareholder

159 ***Sussex Hall, Inc. *(3)***

Owned by :	% Ownership	Name	Role
	25	The Donald J. Trump Revocable Trust	Shareholder
	75	Trump Family Members	Shareholder

160 ***T International Realty LLC***

Owned by :	% Ownership	Name	Role
	55	The Donald J. Trump Revocable Trust	Managing Member
	45	Trump Family Members	Member

161 ***TAG AIR INC. *(2)***

Owned by :	% Ownership	Name	Role
	100	DJT OPERATIONS II LLC	Shareholder

162 ***THC BAKU HOTEL MANAGER SERVICES LLC *(4)***

Owned by :	% Ownership	Name	Role
	1	THC BAKU HOTEL MANAGER SERVICES MEMBER CORP.	Managing Member
	99	DJT Holdings LLC	Member

163 ***THC BAKU HOTEL MANAGER SERVICES MEMBER CORP. *(4)***

Owned by :	% Ownership	Name	Role
	100	DJT Holdings Managing Member LLC	Shareholder

Has ownership interest in :	Entity Name	Ownership	Title
	THC BAKU HOTEL MANAGER SERVICES LLC	1.00%	Managing Member

164 ***THC BAKU SERVICES LLC *(4)***

Owned by :	% Ownership	Name	Role
	1	THC BAKU SERVICES MEMBER CORP	Managing Member
	99	DJT Holdings LLC	Member

165 ***THC BAKU SERVICES MEMBER CORP *(4)***

Owned by :	% Ownership	Name	Role
	100	DJT Holdings Managing Member LLC	Shareholder

Has ownership interest in :	Entity Name	Ownership	Title
	THC BAKU SERVICES LLC	1.00%	Managing Member

166 ***THC Barra Hotelaria LTDA. *(4)***

Owned by :	% Ownership	Name	Role
	99	DJT Holdings LLC	Shareholder
	1	THC DEVELOPMENT BRAZIL MANAGING MEMBER CORP	Shareholder

167 ***THC CENTRAL RESERVATIONS LLC***

Owned by :	% Ownership	Name	Role
	1	THC CENTRAL RESERVATIONS MEMBER CORP	Managing Member

99	DJT Holdings LLC	Member

168 ***THC CENTRAL RESERVATIONS MEMBER CORP *(1)***

Owned by :	% Ownership	Name	Role
	100	DJT Holdings Managing Member LLC	Shareholder

Has ownership interest in :	Entity Name	Ownership	Title
	THC CENTRAL RESERVATIONS LLC	1.00%	Managing Member

169 ***THC CHINA DEVELOPMENT LLC***

Owned by :	% Ownership	Name	Role
	100	TRUMP INTERNATIONAL HOTELS MANAGEMENT LLC	Member

170 ***THC CHINA TECHNICAL SERVICES LLC *(3)***

Owned by :	% Ownership	Name	Role
	1	THC CHINA TECHNICAL SERVICES MANAGER CORP	Managing Member
	99	DJT Holdings LLC	Member

171 ***THC CHINA TECHNICAL SERVICES MANAGER CORP *(3)***

Owned by :	% Ownership	Name	Role
	100	DJT Holdings Managing Member LLC	Shareholder

Has ownership interest in :	Entity Name	Ownership	Title
	THC CHINA TECHNICAL SERVICES LLC	1.00%	Managing Member

172 ***THC DEVELOPMENT BRAZIL LLC. *(3)***

Owned by :	% Ownership	Name	Role
	1	THC DEVELOPMENT BRAZIL MANAGING MEMBER CORP	Managing Member
	99	DJT Holdings LLC	Member

173 ***THC DEVELOPMENT BRAZIL MANAGING MEMBER CORP *(3)***

Owned by :	% Ownership	Name	Role
	100	DJT Holdings Managing Member LLC	Shareholder

Has ownership interest in :	Entity Name	Ownership	Title
	THC DEVELOPMENT BRAZIL LLC.	1.00%	Managing Member
	THC Barra Hotelaria LTDA	1.00%	Managing Member

176 ***THC HOTEL DEVELOPMENT LLC *(3)***

Owned by :	% Ownership	Name	Role
	100	DJT Holdings LLC	Member

177 ***THC IMEA DEVELOPMENT LLC***

Owned by :	% Ownership	Name	Role
	100	TRUMP INTERNATIONAL HOTELS MANAGEMENT LLC	Member

178 ***THC MIAMI RESTAURANT HOSPITALITY LLC***

Owned by :	% Ownership	Name	Role
	1	THC MIAMI RESTAURANT HOSPITALITY MEMBER CORP	Managing Member
	99	DJT Holdings LLC	Member

179 ***THC MIAMI RESTAURANT HOSPITALITY MEMBER CORP *(1)***

Owned by :	% Ownership	Name	Role
	100	DJT Holdings Managing Member LLC	Shareholder

Has ownership interest in :	Entity Name	Ownership	Title
	THC MIAMI RESTAURANT HOSPITALITY LLC	1.00%	Managing Member

180 ***THC QATAR HOTEL MANAGER LLC *(3)--DISSOLVED 1/26/17***

Owned by :	% Ownership	Name	Role

	1	THC QATAR HOTEL MANAGER MEMBER CORP	Managing Member
	99	DJT Holdings LLC	Member

181 ***THC QATAR HOTEL MANAGER MEMBER CORP *(3)--DISSOLVED 1/26/17***

Owned by :	% Ownership	Name	Role
	100	DJT Holdings Managing Member LLC	Shareholder

Has ownership interest in :	Entity Name	Ownership	Title
	THC QATAR HOTEL MANAGER LLC	1.00%	Managing Member

182 ***THC RIO MANAGER LLC *(3)***

Owned by :	% Ownership	Name	Role
	1	THC RIO MANAGING MEMBER CORP	Managing Member
	99	DJT Holdings LLC	Member

183 ***THC RIO MANAGING MEMBER CORP *(3)***

Owned by :	% Ownership	Name	Role
	100	DJT Holdings Managing Member LLC	Shareholder

Has ownership interest in :	Entity Name	Ownership	Title
	THC RIO MANAGER LLC	1.00%	Managing Member

184 ***THC SALES & MARKETING LLC***

Owned by :	% Ownership	Name	Role
	1	THC SALES & MARKETING MEMBER CORP	Managing Member
	99	DJT Holdings LLC	Member

185 ***THC SALES & MARKETING MEMBER CORP *(1)***

Owned by :	% Ownership	Name	Role
	100	DJT Holdings Managing Member LLC	Shareholder

Has ownership interest in :	Entity Name	Ownership	Title
	THC SALES & MARKETING LLC	1.00%	Managing Member

186 ***THC SERVICES SHENZHEN LLC *(3)***

Owned by :	% Ownership	Name	Role
	1	THC SERVICES SHENZHEN MEMBER CORP	Managing Member
	99	DJT Holdings LLC	Member

187 ***THC SERVICES SHENZHEN MEMBER CORP *(3)***

Owned by :	% Ownership	Name	Role
	100	DJT Holdings Managing Member LLC	Shareholder

Has ownership interest in :	Entity Name	Ownership	Title
	THC SERVICES SHENZHEN LLC	1.00%	Managing Member

188 ***THC SHENZHEN HOTEL MANAGER LLC *(3)***

Owned by :	% Ownership	Name	Role
	1	THC SHENZHEN HOTEL MANAGER MEMBER CORP	Managing Member
	99	DJT Holdings LLC	Member

189 ***THC SHENZHEN HOTEL MANAGER MEMBER CORP *(3)***

Owned by :	% Ownership	Name	Role
	100	DJT Holdings Managing Member LLC	Shareholder

Has ownership interest in :	Entity Name	Ownership	Title
	THC SHENZHEN HOTEL MANAGER LLC	1.00%	Managing Member

190 ***THC VANCOUVER MANAGEMENT CORP***

Owned by :	% Ownership	Name	Role
	100	DJT Holdings Managing Member LLC	Shareholder

191 ***THC VANCOUVER PAYROLL ULC *(2)***

Owned by :	% Ownership	Name	Role

Reference #

100	THC VANCOUVER MANAGEMENT CORP	Member

192 ***THC VENTURE I LLC *(3)***

Owned by :	% Ownership	Name	Role
	99	DJT HOLDINGS LLC	Member
	1	THC VENTURE I MANAGING MEMBER CORP	Member

193 ***THC VENTURE I MANAGING MEMBER CORP. *(3)***

Owned by :	% Ownership	Name	Role
	100	DTTM Operations Managing Member Corp	Shareholder

Has ownership interest in :	Entity Name	Ownership	Title
	THC VENTURE I LLC	1.00%	Managing Member

194 ***THC VENTURE II LLC *(3)***

Owned by :	% Ownership	Name	Role
	1	THC VENTURE II MANAGING MEMBER CORP.	Managing Member
	99	DTTM OPERATIONS LLC	Member

195 ***THC VENTURE II MANAGING MEMBER CORP. *(3)***

Owned by :	% Ownership	Name	Role
	100	DTTM Operations Managing Member Corp	Shareholder

Has ownership interest in :	Entity Name	Ownership	Title
	THC VENTURE II LLC	1.00%	Managing Member

196 ***THC VENTURE III LLC - N/K/A TTTT Venture LLC *(1)***

Owned by :	% Ownership	Name	Role
	1	TTTT Venture Member Corp	Managing Member
	76.272	DTTM OPERATIONS LLC	Member
	22.728	Trump Family Members	Member

Has ownership interest in : various entities as indicated elsewhere in this schedule

197 ***THC VENTURE III MEMBER CORP - N/K/A TTTT Venture Member Corp *(1)***

Owned by :	% Ownership	Name	Role
	100	The Donald J. Trump Revocable Trust	Shareholder

Has ownership interest in :	Entity Name	Ownership	Title
	TTTT VENTURE LLC	1.00%	Managing Member

198 ***THE CARIBUSINESS RE CORP *(1)***

Owned by :	% Ownership	Name	Role
	100	DJT HOLDINGS MANAGING MEMBER LLC	Shareholder

Has ownership interest in :	Entity Name	Ownership	Title
	CARIBUSINESS MRE LLC	1.00%	Managing Member
	Caribusiness Investments, S.R.L.	1.00%	Member

199 ***The East 61 Street Company, LP***

Owned by :	% Ownership	Name	Role
	99.9	The Donald J. Trump Revocable Trust	Partner
	0.1	Plaza Consulting Corp.	Partner

200 ***THE TRUMP CORPORATION***

Owned by :	% Ownership	Name	Role
	100	The Donald J. Trump Revocable Trust	Shareholder

201 ***THE TRUMP ENTREPRENEUR INITIATIVE LLC***

Owned by :	% Ownership	Name	Role
	100	THE TRUMP ENTREPRENEUR INITIATIVE LLC (NY DOMESTIC)	Managing Member

Reference #

Has ownership interest in :	Entity Name	Ownership	Title
	TRUMP EDUCATION ULC	100.00%	Shareholder

202 ***THE TRUMP ENTREPRENEUR INITIATIVE LLC (NY DOMESTIC) *(1)***

Owned by :	% Ownership	Name	Role
	0.1	DJT ENTREPRENEUR MANAGING MEMBER LLC (FORMALLY KNOWN AS DJT UNIVERSITY MANAGING MEMBER LLC)	Managing Member
	3.5	Spitalny, Jonathan	Member
	4.5	Sexton, Michael	Member
	91.9	DJT ENTREPRENEUR MEMBER LLC (FORMALLY KNOWN AS DJT UNIVERSITY MEMBER LLC)	Member

Has ownership interest in :	Entity Name	Ownership	Title
	THE TRUMP ENTREPRENEUR INITIATIVE LLC	100.00%	Managing Member

203 ***THE TRUMP FOLLIES LLC *(3)***

Owned by :	% Ownership	Name	Role
	1	THE TRUMP FOLLIES MEMBER INC.	Managing Member
	99	DJT Holdings LLC	Member

204 ***THE TRUMP FOLLIES MEMBER INC. *(3)***

Owned by :	% Ownership	Name	Role
	100	DJT Holdings Managing Member LLC	Shareholder

Has ownership interest in :	Entity Name	Ownership	Title
	THE TRUMP FOLLIES LLC	1.00%	Managing Member

205 ***The Trump Hotel Corp. *(3)***

Owned by :	% Ownership	Name	Role
	100	DJT Holdings Managing Member LLC	Shareholder

206 ***THE TRUMP MARKS REAL ESTATE CORP *(1)***

Owned by :	% Ownership	Name	Role
	100	DTTM Operations Managing Member Corp	Shareholder

Has ownership interest in :	Entity Name	Ownership	Title
	TRUMP MARKS REAL ESTATE LLC	1.00%	Member

207 ***The Trump Organization, Inc. *(3)***

Owned by :	% Ownership	Name	Role
	100	DJT Holdings Managing Member LLC	Shareholder

208 ***The Trump-Equitable Fifth Avenue Company***

Owned by :	% Ownership	Name	Role
	99	The Donald J. Trump Revocable Trust	Partner
	1	TIPPERARY REALTY CORPORATION	Partner

Has ownership interest in :	Entity Name	Ownership	Title
	Fifty-Seventh Street Associates LLC	99.00%	Member
	TRUMP TOWER COMMERCIAL LLC	99.00%	Member

209 ***TIGL COMMON AREA MANAGEMENT CORP *(3)***

Owned by :	% Ownership	Name	Role
	100	DJT Holdings Managing Member LLC	Shareholder

211 ***TRUMP INTERNATIONAL GOLF LINKS - DOONBEG***

Owned by :	% Ownership	Name	Role
	100	TW VENTURE II LLC	Sole Member

212 ***TIGL IRELAND MANAGEMENT LIMITED *(assets & income already disclosed on Part 2 under TRUMP INTERNATIONAL GOLF LINKS - DOONBEG; operator of suites)***

Owned by :	% Ownership	Name	Role
	100	TRUMP INTERNATIONAL GOLF LINKS - DOONBEG	Sole Member

213 *TIHC RESERVATIONS LLC *(3)*

Owned by :	% Ownership	Name	Role
	100	DJT Holdings LLC	Member

214 *TIHH MEMBER CORP *(1)*

Owned by :	% Ownership	Name	Role
	100	The Donald J. Trump Revocable Trust	Shareholder

Has ownership interest in :	Entity Name	Ownership	Title
	TRUMP INTERNATIONAL HOTEL HAWAII LLC	1.00%	Managing Member

215 *TIHH MEMBER LLC *(1)*

Owned by :	% Ownership	Name	Role
	100	The Donald J. Trump Revocable Trust	Managing Member

Has ownership interest in :	Entity Name	Ownership	Title
	TRUMP INTERNATIONAL HOTEL HAWAII LLC	99.00%	Member

216 *TIHM MEMBER CORP. *(1)*

Owned by :	% Ownership	Name	Role
	100	DJT Holdings Managing Member LLC	Shareholder

Has ownership interest in :	Entity Name	Ownership	Title
	TRUMP INTERNATIONAL HOTELS MANAGEMENT LLC	0.10%	Managing Member

217 *TIHT CHICAGO MEMBER ACQUISITION LLC *(1)*

Owned by :	% Ownership	Name	Role
	100	DJT HOLDINGS LLC	Member

Has ownership interest in :	Entity Name	Ownership	Title
	401 MEZZ VENTURE LLC	50.00%	Member

218 *TIHT COMMERCIAL LLC*

Owned by :	% Ownership	Name	Role
	0.01	TIHT MEMBER LLC	Member
	99.99	The Donald J. Trump Revocable Trust	Managing Member

219 *TIHT HOLDING COMPANY LLC*

Owned by :	% Ownership	Name	Role
	100	DJT Holdings LLC	Member

220 *TIHT MEMBER LLC *(1)*

Owned by :	% Ownership	Name	Role
	100	The Donald J. Trump Revocable Trust	Member

Has ownership interest in :	Entity Name	Ownership	Title
	TIHT COMMERCIAL LLC	0.01%	Member

221 *TIPPERARY REALTY CORP. *(1)*

Owned by :	% Ownership	Name	Role
	100	The Donald J. Trump Revocable Trust	Shareholder

Has ownership interest in :	Entity Name	Ownership	Title
	The Trump-Equitable Fifth Avenue Company	1.00%	Partner

222 *TMG Member, LLC *(1)*

Owned by :	% Ownership	Name	Role
	100	DJT Holdings LLC	Member

Has ownership interest in :	Entity Name	Ownership	Title
	Trump Model Management LLC	85.00%	Member

223 *TRUMP NATIONAL GOLF CLUB - CHARLOTTE*

Owned by :	% Ownership	Name	Role

Reference #

	1	TNGC CHARLOTTE MANAGER CORP	Managing Member
	99	DJT HOLDINGS LLC	Member

224 ***TNGC CHARLOTTE MANAGER CORP *(1)***

Owned by :	% Ownership	Name	Role
	100	DJT HOLDINGS MANAGING MEMBER LLC	Shareholder

Has ownership interest in :	Entity Name	Ownership	Title
	TRUMP NATIONAL GOLF CLUB - CHARLOTTE	1.00%	Managing Member

225 ***TRUMP NATIONAL GOLF CLUB - HUDSON VALLEY***

Owned by :	% Ownership	Name	Role
	1	TNGC DUTCHESS COUNTY MEMBER CORP	Managing Member
	99	DJT HOLDINGS LLC	Member

226 ***TNGC DUTCHESS COUNTY MEMBER CORP *(1)***

Owned by :	% Ownership	Name	Role
	100	DJT HOLDINGS MANAGING MEMBER LLC	Shareholder

Has ownership interest in :	Entity Name	Ownership	Title
	TRUMP NATIONAL GOLF CLUB - HUDSON VALLEY	1.00%	Managing Member

227 ***TNGC JUPITER MANAGEMENT LLC***

Owned by :	% Ownership	Name	Role
	1	TNGC JUPITER MANAGING MEMBER CORP	Managing Member
	99	DJT HOLDINGS LLC	Member

228 ***TNGC JUPITER MANAGING MEMBER CORP *(1)***

Owned by :	% Ownership	Name	Role
	100	DJT Holdings Managing Member LLC	Shareholder

Has ownership interest in :	Entity Name	Ownership	Title
	TNGC JUPITER MANAGEMENT LLC	1.00%	Managing Member

229 ***TRUMP NATIONAL GOLF CLUB - PHILADELPHIA***

Owned by :	% Ownership	Name	Role
	1	TNGC PINE HILL MEMBER CORP	Managing Member
	99	DJT HOLDINGS LLC	Member

230 ***TNGC PINE HILL MEMBER CORP *(1)***

Owned by :	% Ownership	Name	Role
	100	DJT HOLDINGS MANAGING MEMBER LLC	Shareholder

Has ownership interest in :	Entity Name	Ownership	Title
	TRUMP NATIONAL GOLF CLUB - PHILADELPHIA	1.00%	Managing Member

231 ***Toronto Development LLC *(3)***

Owned by :	% Ownership	Name	Role
	100	DJT Holdings LLC	Member

232 ***TP-CFD MANAGER CORP *(3)--DISSOLVED 10/18/16***

Owned by :	% Ownership	Name	Role
	100	Trump, Donald J.	Shareholder

Has ownership interest in :	Entity Name	Ownership	Title
	TP-CFD, LLC	1.00%	Managing Member

233 ***TP-CFD, LLC *(3)--DISSOLVED 10/18/16***

Owned by :	% Ownership	Name	Role
	1	TP-CFD MANAGER CORP	Managing Member
	99	Trump, Donald J.	Member

234 ***TRUMP 106 CPS LLC***

Owned by :	% Ownership	Name	Role
	100	DJT Holdings LLC	Member

235 ***Trump 845 LP LLC *(1)***

Owned by :	% Ownership	Name	Role
	100	The Donald J. Trump Revocable Trust	Managing Member

Has ownership interest in :	Entity Name	Ownership	Title
	845 UN Limited Partnership	60.00%	Partner

236 ***TRUMP 845 UN GP LLC *(1)***

Owned by :	% Ownership	Name	Role
	0.1	TRUMP 845 UN MGR CORP	Managing Member
	99.9	The Donald J. Trump Revocable Trust	Member

Has ownership interest in :	Entity Name	Ownership	Title
	845 UN Limited Partnership	40.00%	Partner

237 ***TRUMP 845 UN MGR CORP***

Owned by :	% Ownership	Name	Role
	100	The Donald J. Trump Revocable Trust	Shareholder

Has ownership interest in :	Entity Name	Ownership	Title
	TRUMP 845 UN GP LLC	0.10%	Managing Member

238 ***TRUMP 845 UN MGR LLC *(3)***

Owned by :	% Ownership	Name	Role
	100	The Donald J. Trump Revocable Trust	Managing Member

239 ***TRUMP AC CASINO MARKS LLC *(3)***

Owned by :	% Ownership	Name	Role
	1	TRUMP AC CASINO MARKS MEMBER CORP	Managing Member
	99	DTTM OPERATIONS LLC	Member

240 ***TRUMP AC CASINO MARKS MEMBER CORP *(3)***

Owned by :	% Ownership	Name	Role
	100	DTTM Operations Managing Member Corp	Shareholder

Has ownership interest in :	Entity Name	Ownership	Title
	TRUMP AC CASINO MARKS LLC	1.00%	Managing Member

241 ***TRUMP ACQUISITION CORP. *(3)***

Owned by :	% Ownership	Name	Role
	100	DJT Holdings LLC	Shareholder

Has ownership interest in :	Entity Name	Ownership	Title
	TRUMP ACQUISITION, LLC	1.00%	Managing Member

242 ***TRUMP ACQUISITION, LLC *(3)***

Owned by :	% Ownership	Name	Role
	1	TRUMP ACQUISITION CORP.	Managing Member
	99	DJT Holdings LLC	Member

243 ***TRUMP BOOKS LLC***

Owned by :	% Ownership	Name	Role
	1	TRUMP BOOKS MANAGER CORP	Managing Member
	99	DJT Holdings LLC	Member

244 ***TRUMP BOOKS MANAGER CORP *(1)***

Owned by :	% Ownership	Name	Role
	100	DJT Holdings Managing Member LLC	Shareholder

Has ownership interest in :	Entity Name	Ownership	Title
	TRUMP BOOKS LLC	1.00%	Managing Member

245 ***TRUMP BRAZIL LLC *(3)***

Owned by :	% Ownership	Name	Role

Reference #

100	DJT Holdings LLC	Member

246 ***TRUMP CANADIAN SERVICES, INC. *(3)***

Owned by :	% Ownership	Name	Role
	100	The Donald J. Trump Revocable Trust	Shareholder

247 ***TRUMP CANOUAN ESTATE LLC *(5)***

Owned by :	% Ownership	Name	Role
	1	TRUMP CANOUAN ESTATE MEMBER CORP	Managing Member
	99	DJT Holdings LLC	Member

248 ***TRUMP CANOUAN ESTATE MEMBER CORP *(1)***

Owned by :	% Ownership	Name	Role
	100	DJT Holdings Managing Member LLC	Shareholder

Has ownership interest in :	Entity Name	Ownership	Title
	TRUMP CANOUAN ESTATE LLC	1.00%	Managing Member

249 ***TRUMP CARIBBEAN LLC *(3)***

Owned by :	% Ownership	Name	Role
	100	DJT Holdings LLC	Member

250 ***TRUMP CAROUSEL LLC***

Owned by :	% Ownership	Name	Role
	1	TRUMP CAROUSEL MEMBER CORP	Managing Member
	99	DJT Holdings LLC	Member

251 ***TRUMP CAROUSEL MEMBER CORP *(1)***

Owned by :	% Ownership	Name	Role
	100	DJT Holdings Managing Member LLC	Shareholder

Has ownership interest in :	Entity Name	Ownership	Title
	TRUMP CAROUSEL LLC	1.00%	Managing Member

252 ***TRUMP CENTRAL PARK WEST CORP *(3)***

Owned by :	% Ownership	Name	Role
	100	DJT Holdings Managing Member LLC	Shareholder

Has ownership interest in :	Entity Name	Ownership	Title
	One Central Park West Associates	50.00%	Partner

253 ***Trump Chicago Commercial Member Corp *(1)***

Owned by :	% Ownership	Name	Role
	100	DJT Holdings Managing Member LLC	Shareholder

Has ownership interest in :	Entity Name	Ownership	Title
	TRUMP CHICAGO COMMERCIAL MANAGER LLC	1.00%	Managing Member

254 ***TRUMP CHICAGO COMMERCIAL MANAGER LLC***

Owned by :	% Ownership	Name	Role
	1	Trump Chicago Commercial Member Corp	Managing Member
	99	DJT Holdings LLC	Member

255 ***TRUMP CHICAGO DEVELOPMENT LLC *(3)***

Owned by :	% Ownership	Name	Role
	100	DJT Holdings LLC	Member

256 ***TRUMP CHICAGO HOTEL MANAGER LLC***

Owned by :	% Ownership	Name	Role
	1	Trump Chicago Hotel Member Corp	Managing Member
	99	DJT Holdings LLC	Member

257 ***Trump Chicago Hotel Member Corp *(1)***

Owned by :	% Ownership	Name	Role
	100	DJT Holdings Managing Member LLC	Shareholder

Has ownership interest in :	Entity Name	Ownership	Title

TRUMP CHICAGO HOTEL MANAGER LLC	1.00%	Managing Member

258 ***TRUMP CHICAGO MANAGING MEMBER LLC *(1)***

Owned by :	% Ownership	Name	Role
	100	DJT HOLDINGS LLC	Member

Has ownership interest in :	Entity Name	Ownership	Title
	401 MEZZ VENTURE LLC	1.00%	Member

259 ***TRUMP CHICAGO MEMBER LLC *(1)***

Owned by :	% Ownership	Name	Role
	100	DJT HOLDINGS LLC	Member

Has ownership interest in :	Entity Name	Ownership	Title
	401 MEZZ VENTURE LLC	49.00%	Member

260 ***TRUMP CHICAGO RESIDENTIAL MANAGER LLC***

Owned by :	% Ownership	Name	Role
	1	Trump Chicago Residential Member Corp	Managing Member
	99	DJT Holdings LLC	Member

261 ***Trump Chicago Residential Member Corp *(1)***

Owned by :	% Ownership	Name	Role
	100	DJT Holdings Managing Member LLC	Shareholder

Has ownership interest in :	Entity Name	Ownership	Title
	TRUMP CHICAGO RESIDENTIAL MANAGER LLC	1.00%	Managing Member

262 ***TRUMP CHICAGO RETAIL LLC *(assets & income already disclosed on Part 2 under 401 North Wabash Venture LLC; operator of retail space)***

Owned by :	% Ownership	Name	Role
	100	401 MEZZ VENTURE LLC	Member

263 ***TRUMP CHICAGO RETAIL MANAGER LLC *(3)***

Owned by :	% Ownership	Name	Role
	1	TRUMP CHICAGO RETAIL MEMBER CORP	Managing Member
	99	DJT Holdings LLC	Member

264 ***TRUMP CHICAGO RETAIL MEMBER CORP *(3)***

Owned by :	% Ownership	Name	Role
	100	DJT Holdings Managing Member LLC	Shareholder

Has ownership interest in :	Entity Name	Ownership	Title
	TRUMP CHICAGO RETAIL MANAGER LLC	1.00%	Managing Member

265 ***TRUMP CLASSIC CARS LLC *(4)--DISSOLVED 10/17/16***

Owned by :	% Ownership	Name	Role
	1	TRUMP CLASSIC CARS MEMBER CORP	Member
	99	Trump, Donald J.	Member

266 ***TRUMP CLASSIC CARS MEMBER CORP *(4)--DISSOLVED 10/17/16***

Owned by :	% Ownership	Name	Role
	100	Trump, Donald J.	Shareholder

Has ownership interest in :	Entity Name	Ownership	Title
	TRUMP CLASSIC CARS LLC	1.00%	Member

267 ***TRUMP COMMERCIAL CHICAGO LLC *(assets & income already disclosed on Part 2 under 401 North Wabash Venture LLC; operator of commercial space)***

Owned by :	% Ownership	Name	Role
	100	401 North Wabash Venture LLC	Member

268 ***TRUMP CPS CORP *(1)***

Owned by :	% Ownership	Name	Role
	100	The Donald J. Trump Revocable Trust	Shareholder

Has ownership interest in :	Entity Name	Ownership	Title
	TRUMP CPS LLC	0.10%	Managing Member

269 ***TRUMP CPS LLC***

Owned by :	% Ownership	Name	Role
	0.1	TRUMP CPS CORP	Managing Member

Reference #

	99.9	The Donald J. Trump Revocable Trust	Member

270 ***TRUMP DELMONICO LLC *(1)***

Owned by :	% Ownership	Name	Role
	100	The Donald J. Trump Revocable Trust	Member

Has ownership interest in :	Entity Name	Ownership	Title
	TRUMP PARK AVENUE LLC	50.00%	Managing Member

271 ***TRUMP DEVELOPMENT SERVICES LLC *(3)***

Owned by :	% Ownership	Name	Role
	1	TRUMP DEVELOPMENT SERVICES MEMBER CORP	Managing Member
	99	DJT Holdings LLC	Member

272 ***TRUMP DEVELOPMENT SERVICES MEMBER CORP *(3)***

Owned by :	% Ownership	Name	Role
	100	DJT Holdings Managing Member LLC	Shareholder

Has ownership interest in :	Entity Name	Ownership	Title
	TRUMP DEVELOPMENT SERVICES LLC	1.00%	Managing Member

275 ***TRUMP DRINKS ISRAEL LLC *(3)***

Owned by :	% Ownership	Name	Role
	1	TRUMP DRINKS ISRAEL MEMBER CORP	Managing Member
	99	DJT Holdings LLC	Member

276 ***TRUMP DRINKS ISRAEL MEMBER CORP *(3)***

Owned by :	% Ownership	Name	Role
	100	DJT Holdings Managing Member LLC	Shareholder

Has ownership interest in :	Entity Name	Ownership	Title
	TRUMP DRINKS ISRAEL LLC	1.00%	Managing Member

277 ***TRUMP EDUCATION ULC *(3)***

Owned by :	% Ownership	Name	Role
	100	THE TRUMP ENTREPRENEUR INITIATIVE LLC (NY DOMESTIC)	Shareholder

278 ***TRUMP EMPIRE STATE INC *(3)***

Owned by :	% Ownership	Name	Role
	100	DJT Holdings Managing Member LLC	Shareholder

279 ***TRUMP NATIONAL DORAL***

Owned by :	% Ownership	Name	Role
	1	TRUMP ENDEAVOR 12 MANAGER CORP	Managing Member
	99	DJT HOLDINGS LLC	Member

280 ***TRUMP ENDEAVOR 12 MANAGER CORP *(1)***

Owned by :	% Ownership	Name	Role
	100	DJT HOLDINGS MANAGING MEMBER LLC	Shareholder

Has ownership interest in :	Entity Name	Ownership	Title
	TRUMP NATIONAL DORAL	1.00%	Managing Member

281 ***TRUMP EU MARKS LLC *(3)***

Owned by :	% Ownership	Name	Role
	1	TRUMP EU MARKS MEMBER CORP	Managing Member
	99	DTTM OPERATIONS LLC	Member

282 ***TRUMP EU MARKS MEMBER CORP *(3)***

Owned by :	% Ownership	Name	Role
	100	DTTM Operations Managing Member Corp	Shareholder

Has ownership interest in :	Entity Name	Ownership	Title

TRUMP EU MARKS LLC	1.00%	Managing Member

283 *TRUMP FERRY POINT LLC*

Assumed Names :	D/B/A	Jurisdiction
	Trump Golf Links Ferry Point	Delaware
	Trump Golf Links Ferry Point	New York
	Trump Golf Links	New York

Owned by :	% Ownership	Name	Role
	1	TRUMP FERRY POINT MEMBER CORP	Managing Member
	99	DJT Holdings LLC	Member

284 *TRUMP FERRY POINT MEMBER CORP *(1)*

Owned by :	% Ownership	Name	Role
	100	The Donald J. Trump Revocable Trust	Shareholder

Has ownership interest in :	Entity Name	Ownership	Title
	TRUMP FERRY POINT LLC	1.00%	Managing Member

285 *TRUMP FLORIDA MANAGEMENT LLC *(3)*

Owned by :	% Ownership	Name	Role
	1	TRUMP FLORIDA MANAGER CORP	Member
	99	DJT HOLDINGS LLC	Member

286 *TRUMP FLORIDA MANAGER CORP *(3)*

Owned by :	% Ownership	Name	Role
	100	DJT Holdings Managing Member LLC	Shareholder

Has ownership interest in :	Entity Name	Ownership	Title
	TRUMP FLORIDA MANAGEMENT LLC	1.00%	Member

287 *TRUMP GOLF ACQUISITIONS LLC*

Owned by :	% Ownership	Name	Role
	100	DJT Holdings LLC	Member

288 *TRUMP GOLF COCO BEACH LLC *(4)*

Owned by :	% Ownership	Name	Role
	1	TRUMP GOLF COCO BEACH MEMBER CORP	Managing Member
	99	DJT Holdings LLC	Member

289 *TRUMP GOLF COCO BEACH MEMBER CORP *(4)*

Owned by :	% Ownership	Name	Role
	100	DJT Holdings Managing Member LLC	Shareholder

Has ownership interest in :	Entity Name	Ownership	Title
	TRUMP GOLF COCO BEACH LLC	1.00%	Managing Member

290 *TRUMP GOLF MANAGEMENT LLC *(3)*

Owned by :	% Ownership	Name	Role
	100	DJT Holdings LLC	Member

291 *TRUMP HOME MARKS LLC*

Owned by :	% Ownership	Name	Role
	1	TRUMP HOME MARKS MEMBER CORP	Managing Member
	99	DTTM OPERATIONS LLC	Member

292 *TRUMP HOME MARKS MEMBER CORP *(1)*

Owned by :	% Ownership	Name	Role
	100	DTTM Operations Managing Member Corp	Shareholder

Has ownership interest in :	Entity Name	Ownership	Title
	TRUMP HOME MARKS LLC	1.00%	Managing Member

293 *TRUMP ICE INC *(3)*

Owned by :	% Ownership	Name	Role
	100	DJT Holdings LLC	Shareholder

294 ***TRUMP ICE LLC***

Owned by :	% Ownership	Name	Role
	100	DJT Holdings LLC	Member

295 ***TRUMP INTERNATIONAL DEVELOPMENT LLC *(3)***

Owned by :	% Ownership	Name	Role
	1	TRUMP INTERNATIONAL DEVELOPMENT MEMBER CORP	Managing Member
	99	DJT Holdings LLC	Member

296 ***TRUMP INTERNATIONAL DEVELOPMENT MEMBER CORP *(3)***

Owned by :	% Ownership	Name	Role
	100	DJT Holdings Managing Member LLC	Shareholder

Has ownership interest in :	Entity Name	Ownership	Title
	TRUMP INTERNATIONAL DEVELOPMENT LLC	1.00%	Managing Member

297 ***TRUMP INTERNATIONAL GOLF LINKS - SCOTLAND***

Owned by :	% Ownership	Name	Role
	99	DJT HOLDINGS MANAGING MEMBER LLC	Member
	1	TRUMP SCOTLAND MEMBER INC	Member

298 ***Trump International Golf Club, Inc. *(1)***

Owned by :	% Ownership	Name	Role
	100	DJT HOLDINGS MANAGING MEMBER LLC	Shareholder

Has ownership interest in :	Entity Name	Ownership	Title
	TRUMP INTERNATIONAL GOLF CLUB - FLORIDA	0.001%	Member

299 ***TRUMP INTERNATIONAL GOLF CLUB - FLORIDA***

Owned by :	% Ownership	Name	Role
	0.001	Trump International Golf Club, Inc.	Member
	99.999	The Donald J. Trump Revocable Trust	Member

300 ***TRUMP INTERNATIONAL HOTEL HAWAII LLC***

Owned by :	% Ownership	Name	Role
	1	TIHH MEMBER CORP	Managing Member
	99	TIHH MEMBER LLC	Member

301 ***TRUMP INTERNATIONAL HOTELS MANAGEMENT LLC***

Assumed Names :	D/B/A	Jurisdiction
	TRUMP HOTEL COLLECTION	Hawaii
	TRUMP HOTEL COLLECTION	New York

Owned by :	% Ownership	Name	Role
	0.1	TIHM MEMBER CORP.	Managing Member
	99.9	DJT Holdings LLC	Member

Has ownership interest in :	Entity Name	Ownership	Title
	THC CHINA DEVELOPMENT LLC	100.00%	Member
	THC IMEA DEVELOPMENT LLC	100.00%	Member

302 ***TRUMP JETS LLC *(3)--DISSOLVED 11/9/16***

Owned by :	% Ownership	Name	Role
	1	SENTIENT JETS MEMBER CORP XXXXXXXX	Managing Member
	99	Trump, Donald J.	Member

303 ***Trump Korea LLC *(3)***

Owned by :	% Ownership	Name	Role
	41	DAEWOO AMERICA DEVELOPMENT (NEW YORK) CORP	Member
	59	TRUMP KOREAN PROJECTS LLC	Member

304 ***TRUMP KOREAN PROJECTS LLC *(3)***

Owned by :	% Ownership	Name	Role
	100	DJT Holdings LLC	Member

Has ownership interest in :	Entity Name	Ownership	Title

	Trump Korea LLC	59.00%	Member

305 ***TRUMP LAS OLAS LLC *(3)***

Owned by :	% Ownership	Name	Role
	1	TRUMP LAS OLAS MEMBER CORP	Managing Member
	99	DJT Holdings LLC	Member

306 ***TRUMP LAS OLAS MEMBER CORP *(3)***

Owned by :	% Ownership	Name	Role
	100	DJT Holdings Managing Member LLC	Shareholder

Has ownership interest in :	Entity Name	Ownership	Title
	TRUMP LAS OLAS LLC	1.00%	Managing Member

307 ***TRUMP LAS VEGAS CORP *(1)***

Owned by :	% Ownership	Name	Role
	100	DJT HOLDINGS MANAGING MEMBER LLC	Shareholder

Has ownership interest in :	Entity Name	Ownership	Title
	TRUMP LAS VEGAS MANAGING MEMBER LLC	6.00%	Managing Member
	TRUMP LAS VEGAS MEMBER LLC	6.00%	Managing Member

308 ***TRUMP LAS VEGAS DEVELOPMENT LLC***

Owned by :	% Ownership	Name	Role
	100	DJT HOLDINGS LLC	Member

309 ***TRUMP LAS VEGAS MANAGING MEMBER LLC***

Owned by :	% Ownership	Name	Role
	6	TRUMP LAS VEGAS CORP	Member
	94	DJT HOLDINGS LLC	Member

Has ownership interest in :	Entity Name	Ownership	Title
	TRUMP RUFFIN LLC	1.00%	Managing Member

310 ***TRUMP LAS VEGAS MEMBER LLC***

Owned by :	% Ownership	Name	Role
	6	TRUMP LAS VEGAS CORP	Member
	94	DJT HOLDINGS LLC	Managing Member

Has ownership interest in :	Entity Name	Ownership	Title
	TRUMP RUFFIN LLC	49.00%	Member

311 ***Trump Las Vegas Sales & Marketing, Inc.***

Owned by :	% Ownership	Name	Role
	100	DJT Holdings Managing Member LLC	Shareholder

312 ***TRUMP LAUDERDALE DEVELOPMENT LLC *(3)***

Owned by :	% Ownership	Name	Role
	100	DJT Holdings LLC	Member

313 ***TRUMP LAUDERDALE DEVELOPMENT NO 2 LLC *(4)***

Owned by :	% Ownership	Name	Role
	100	DJT Holdings LLC	Member

314 ***TRUMP MARKETING LLC *(4)***

Owned by :	% Ownership	Name	Role
	100	DJT Holdings LLC	Member

315 ***TRUMP MARKS ASIA CORP *(1)***

Owned by :	% Ownership	Name	Role
	100	DJT Holdings Managing Member LLC	Shareholder

Has ownership interest in :	Entity Name	Ownership	Title
	TRUMP MARKS ASIA LLC	1.00%	Managing Member

316 ***TRUMP MARKS ASIA LLC***

Owned by :	% Ownership	Name	Role
	1	TRUMP MARKS ASIA CORP	Managing Member

99	DJT HOLDINGS LLC	Member

317 ***TRUMP MARKS ATLANTA LLC *(3)***

Owned by :	% Ownership	Name	Role
	1	TRUMP MARKS ATLANTA MEMBER CORP	Managing Member
	99	DTTM OPERATIONS LLC	Member

318 ***TRUMP MARKS ATLANTA MEMBER CORP *(3)***

Owned by :	% Ownership	Name	Role
	100	DTTM Operations Managing Member Corp	Shareholder

Has ownership interest in :	Entity Name	Ownership	Title
	TRUMP MARKS ATLANTA LLC	1.00%	Managing Member

321 ***TRUMP MARKS BATUMI LLC *(3)***

Owned by :	% Ownership	Name	Role
	1	TRUMP MARKS BATUMI MANAGING MEMBER CORP	Managing Member
	99	DTTM OPERATIONS LLC	Member

322 ***TRUMP MARKS BATUMI MANAGING MEMBER CORP *(3)***

Owned by :	% Ownership	Name	Role
	100	DTTM Operations Managing Member Corp	Shareholder

Has ownership interest in :	Entity Name	Ownership	Title
	TRUMP MARKS BATUMI LLC	1.00%	Managing Member

325 ***TRUMP MARKS CANOUAN CORP *(3)***

Owned by :	% Ownership	Name	Role
	100	DTTM Operations Managing Member Corp	Shareholder

Has ownership interest in :	Entity Name	Ownership	Title
	TRUMP MARKS CANOUAN LLC	1.00%	Managing Member

326 ***TRUMP MARKS CANOUAN LLC *(3)***

Owned by :	% Ownership	Name	Role
	1	TRUMP MARKS CANOUAN CORP	Managing Member
	99	DTTM OPERATIONS LLC	Member

327 ***TRUMP MARKS CHICAGO LLC *(3)***

Owned by :	% Ownership	Name	Role
	1	TRUMP MARKS CHICAGO MEMBER CORP	Managing Member
	99	DTTM OPERATIONS LLC	Member

328 ***TRUMP MARKS CHICAGO MEMBER CORP *(3)***

Owned by :	% Ownership	Name	Role
	100	DTTM Operations Managing Member Corp	Shareholder

Has ownership interest in :	Entity Name	Ownership	Title
	TRUMP MARKS CHICAGO LLC	1.00%	Managing Member

329 ***TRUMP MARKS DUBAI CORP *(3)***

Owned by :	% Ownership	Name	Role
	100	DTTM Operations Managing Member Corp	Shareholder

Has ownership interest in :	Entity Name	Ownership	Title
	TRUMP MARKS DUBAI LLC	1.00%	Managing Member

330 ***TRUMP MARKS DUBAI LLC *(3)***

Owned by :	% Ownership	Name	Role
	1	TRUMP MARKS DUBAI CORP	Managing Member
	99	DTTM OPERATIONS LLC	Member

331 ***TRUMP MARKS EGYPT CORP *(3)***

Owned by :	% Ownership	Name		Role
	100	DTTM Operations Managing Member Corp		Shareholder
Has ownership interest in :	**Entity Name**	**Ownership**	**Title**	
	TRUMP MARKS EGYPT LLC	1.00%	Managing Member	

332 ***TRUMP MARKS EGYPT LLC *(3)***

Owned by :	% Ownership	Name	Role
	1	TRUMP MARKS EGYPT CORP	Managing Member
	99	DTTM OPERATIONS LLC	Member

333 ***TRUMP MARKS FINE FOODS LLC***

Owned by :	% Ownership	Name	Role
	1	TRUMP MARKS FINE FOODS MEMBER CORP	Managing Member
	99	DTTM OPERATIONS LLC	Member

334 ***TRUMP MARKS FINE FOODS MEMBER CORP *(1)***

Owned by :	% Ownership	Name		Role
	100	DTTM Operations Managing Member Corp		Shareholder
Has ownership interest in :	**Entity Name**	**Ownership**	**Title**	
	TRUMP MARKS FINE FOODS LLC	1.00%	Managing Member	

335 ***TRUMP MARKS FT LAUDERDALE LLC *(3)***

Owned by :	% Ownership	Name	Role
	1	TRUMP MARKS FT LAUDERDALE MEMBER CORP	Managing Member
	99	DTTM OPERATIONS LLC	Member

336 ***TRUMP MARKS FT LAUDERDALE MEMBER CORP *(3)***

Owned by :	% Ownership	Name		Role
	100	DTTM Operations Managing Member Corp		Shareholder
Has ownership interest in :	**Entity Name**	**Ownership**	**Title**	
	TRUMP MARKS FT LAUDERDALE LLC	1.00%	Managing Member	

337 ***TRUMP MARKS GP CORP *(1)***

Owned by :	% Ownership	Name		Role
	100	DTTM Operations Managing Member Corp		Shareholder
Has ownership interest in :	**Entity Name**	**Ownership**	**Title**	
	TRUMP MARKS HOLDINGS LP	1.00%	Partner	

338 ***TRUMP MARKS HOLDINGS LP *(1)***

Owned by :	% Ownership	Name		Role
	1	TRUMP MARKS GP CORP		Partner
	99	DTTM Operations LLC		Partner
Has ownership interest in :	**Entity Name**	**Ownership**	**Title**	
	TRUMP MARKS LLC	100.00%	Member	

339 ***TRUMP MARKS HOLLYWOOD CORP *(3)***

Owned by :	% Ownership	Name		Role
	100	DTTM Operations Managing Member Corp		Shareholder
Has ownership interest in :	**Entity Name**	**Ownership**	**Title**	
	TRUMP MARKS HOLLYWOOD LLC	1.00%	Managing Member	

340 ***TRUMP MARKS HOLLYWOOD LLC *(3)***

Owned by :	% Ownership	Name	Role
	1	TRUMP MARKS HOLLYWOOD CORP	Managing Member
	99	DTTM OPERATIONS LLC	Member

341 ***TRUMP MARKS ISTANBUL II CORP *(1)***

Owned by :	% Ownership	Name	Role

	100	DTTM Operations Managing Member Corp		Shareholder
Has ownership interest in :	Entity Name	Ownership	Title	
	TRUMP MARKS INSTANBUL II LLC	1.00%	Managing Member	

342 ***TRUMP MARKS ISTANBUL II LLC***

Owned by :	% Ownership	Name	Role
	1	TRUMP MARKS ISTANBUL II CORP	Managing Member
	99	DTTM OPERATIONS LLC	Member

343 ***TRUMP MARKS JERSEY CITY CORP *(4)***

Owned by :	% Ownership	Name		Role
	100	DTTM Operations Managing Member Corp		Shareholder
Has ownership interest in :	Entity Name	Ownership	Title	
	TRUMP MARKS JERSEY CITY LLC	1.00%	Managing Member	

344 ***TRUMP MARKS JERSEY CITY LLC *(4)***

Owned by :	% Ownership	Name	Role
	1	TRUMP MARKS JERSEY CITY CORP	Managing Member
	99	DTTM OPERATIONS LLC	Member

345 ***TRUMP MARKS LAS VEGAS CORP *(3)***

Owned by :	% Ownership	Name		Role
	100	DTTM Operations Managing Member Corp		Shareholder
Has ownership interest in :	Entity Name	Ownership	Title	
	TRUMP MARKS LAS VEGAS LLC	1.00%	Managing Member	

346 ***TRUMP MARKS LAS VEGAS LLC *(3)***

Owned by :	% Ownership	Name	Role
	1	TRUMP MARKS LAS VEGAS CORP	Managing Member
	99	DTTM OPERATIONS LLC	Member

347 ***TRUMP MARKS LLC***

Owned by :	% Ownership	Name	Role
	100	TRUMP MARKS HOLDINGS LP	Member

348 ***TRUMP MARKS MAGAZINE CORP *(3)--DISSOLVED 11/9/16***

Owned by :	% Ownership	Name		Role
	100	Trump, Donald J.		Shareholder
Has ownership interest in :	Entity Name	Ownership	Title	
	TRUMP MARKS MAGAZINE LLC	1.00%	Managing Member	

349 ***TRUMP MARKS MAGAZINE LLC *(3)--DISSOLVED 11/9/16***

Owned by :	% Ownership	Name	Role
	1	TRUMP MARKS MAGAZINE CORP	Managing Member
	99	Trump, Donald J.	Member

350 ***TRUMP MARKS MATTRESS LLC***

Owned by :	% Ownership	Name	Role
	1	TRUMP MARKS MATTRESS MEMBER CORP	Managing Member
	99	DTTM OPERATIONS LLC	Member

351 ***TRUMP MARKS MATTRESS MEMBER CORP *(1)***

Owned by :	% Ownership	Name		Role
	100	DTTM Operations Managing Member Corp		Shareholder
Has ownership interest in :	Entity Name	Ownership	Title	
	TRUMP MARKS MATTRESS LLC	1.00%	Managing Member	

Reference #

352 ***TRUMP MARKS MENSWEAR LLC***

Owned by :	% Ownership	Name	Role
	1	TRUMP MARKS MENSWEAR MEMBER CORP	Managing Member
	99	DTTM OPERATIONS LLC	Member

353 ***TRUMP MARKS MENSWEAR MEMBER CORP *(1)***

Owned by :	% Ownership	Name	Role
	100	DTTM Operations Managing Member Corp	Shareholder

Has ownership interest in :	Entity Name	Ownership	Title
	TRUMP MARKS MENSWEAR LLC	1.00%	Managing Member

354 ***TRUMP MARKS MORTGAGE CORP *(3)***

Owned by :	% Ownership	Name	Role
	100	DTTM Operations Managing Member Corp	Shareholder

Has ownership interest in :	Entity Name	Ownership	Title
	TRUMP MARKS MTG LLC	1.00%	Managing Member

355 ***TRUMP MARKS MTG LLC *(3)***

Owned by :	% Ownership	Name	Role
	1	TRUMP MARKS MORTGAGE CORP	Managing Member
	99	DTTM OPERATIONS LLC	Member

356 ***TRUMP MARKS MUMBAI LLC *(3)***

Owned by :	% Ownership	Name	Role
	1	TRUMP MARKS MUMBAI MEMBER CORP	Managing Member
	99	DTTM OPERATIONS LLC	Member

357 ***TRUMP MARKS MUMBAI MEMBER CORP *(3)***

Owned by :	% Ownership	Name	Role
	100	DTTM Operations Managing Member Corp	Shareholder

Has ownership interest in :	Entity Name	Ownership	Title
	TRUMP MARKS MUMBAI LLC	1.00%	Managing Member

358 ***TRUMP MARKS NEW ROCHELLE CORP *(1)***

Owned by :	% Ownership	Name	Role
	100	DTTM Operations Managing Member Corp	Shareholder

Has ownership interest in :	Entity Name	Ownership	Title
	TRUMP MARKS NEW ROCHELLE LLC	1.00%	Managing Member

359 ***TRUMP MARKS NEW ROCHELLE LLC***

Owned by :	% Ownership	Name	Role
	1	TRUMP MARKS NEW ROCHELLE CORP	Managing Member
	99	DTTM OPERATIONS LLC	Member

360 ***TRUMP MARKS PALM BEACH CORP *(3)***

Owned by :	% Ownership	Name	Role
	100	DTTM Operations Managing Member Corp	Shareholder

Has ownership interest in :	Entity Name	Ownership	Title
	TRUMP MARKS PALM BEACH LLC	1.00%	Managing Member

361 ***TRUMP MARKS PALM BEACH LLC *(3)***

Owned by :	% Ownership	Name	Role
	1	TRUMP MARKS PALM BEACH CORP	Managing Member
	99	DTTM OPERATIONS LLC	Member

362 ***TRUMP MARKS PANAMA CORP *(1)***

Owned by :	% Ownership	Name	Role

	100	DTTM Operations Managing Member Corp	Shareholder

Has ownership interest in :	Entity Name	Ownership	Title
	TRUMP MARKS PANAMA LLC	1.00%	Managing Member

363 ***TRUMP MARKS PANAMA LLC***

Owned by :	% Ownership	Name	Role
	1	TRUMP MARKS PANAMA CORP	Managing Member
	99	DTTM OPERATIONS LLC	Member

364 ***TRUMP MARKS PHILADELPHIA CORP *(3)***

Owned by :	% Ownership	Name	Role
	100	The Donald J. Trump Revocable Trust	Shareholder

Has ownership interest in :	Entity Name	Ownership	Title
	TRUMP MARKS PHILADELPHIA LLC	1.00%	Managing Member

365 ***TRUMP MARKS PHILADELPHIA LLC *(3)***

Owned by :	% Ownership	Name	Role
	1	TRUMP MARKS PHILADELPHIA CORP	Managing Member
	99	The Donald J. Trump Revocable Trust	Member

366 ***TRUMP MARKS PHILIPPINES CORP *(1)***

Owned by :	% Ownership	Name	Role
	100	DTTM Operations Managing Member Corp	Shareholder

Has ownership interest in :	Entity Name	Ownership	Title
	TRUMP MARKS PHILIPPINES LLC	1.00%	Managing Member

367 ***TRUMP MARKS PHILIPPINES LLC***

Owned by :	% Ownership	Name	Role
	1	TRUMP MARKS PHILIPPINES CORP	Managing Member
	99	DTTM OPERATIONS LLC	Member

368 ***TRUMP MARKS PRODUCTS LLC *(4)***

Owned by :	% Ownership	Name	Role
	1	TRUMP MARKS PRODUCTS MEMBER CORP	Managing Member
	99	DTTM OPERATIONS LLC	Member

369 ***TRUMP MARKS PRODUCTS MEMBER CORP *(4)***

Owned by :	% Ownership	Name	Role
	100	DTTM Operations Managing Member Corp	Shareholder

Has ownership interest in :	Entity Name	Ownership	Title
	TRUMP MARKS PRODUCTS LLC	1.00%	Managing Member

370 ***TRUMP MARKS PUERTO RICO I LLC *(3)***

Owned by :	% Ownership	Name	Role
	1	TRUMP MARKS PUERTO RICO I MEMBER CORP	Managing Member
	99	DTTM OPERATIONS LLC	Member

371 ***TRUMP MARKS PUERTO RICO I MEMBER CORP *(3)***

Owned by :	% Ownership	Name	Role
	100	DTTM Operations Managing Member Corp	Shareholder

Has ownership interest in :	Entity Name	Ownership	Title
	TRUMP MARKS PUERTO RICO I LLC	1.00%	Managing Member

372 ***TRUMP MARKS PUERTO RICO II LLC *(3)--DISSOLVED 11/9/16***

Owned by :	% Ownership	Name	Role
	1	TRUMP MARKS PUERTO RICO II MEMBER CORP	Managing Member
	99	Trump, Donald J.	Member

373 ***TRUMP MARKS PUERTO RICO II MEMBER CORP *(3)--DISOLVED 11/10/16***

Owned by : % Ownership 100 Name Trump, Donald J. Role Shareholder

Has ownership interest in : Entity Name TRUMP MARKS PUERTO RICO II LLC Ownership 1.00% Title Managing Member

374 ***TRUMP MARKS PUNTA DEL ESTE LLC *(4)***

Owned by : % Ownership 1 Name TRUMP MARKS PUNTA DEL ESTE MANAGER CORP Role Managing Member

99 DTTM OPERATIONS LLC Member

375 ***TRUMP MARKS PUNTA DEL ESTE MANAGER CORP *(4)***

Owned by : % Ownership 100 Name DTTM Operations Managing Member Corp Role Shareholder

Has ownership interest in : Entity Name TRUMP MARKS PUNTA DEL ESTE LLC Ownership 1.00% Title Managing Member

376 ***TRUMP MARKS REAL ESTATE LLC *(5)***

Owned by : % Ownership 1 Name THE TRUMP MARKS REAL ESTATE CORP Role Member

99 DTTM OPERATIONS LLC Member

377 ***TRUMP MARKS SOHO LICENSE CORP *(4)***

Owned by : % Ownership 100 Name DTTM Operations Managing Member Corp Role Shareholder

Has ownership interest in : Entity Name TRUMP MARKS SOHO LLC Ownership 1.00% Title Member

378 ***TRUMP MARKS SOHO LLC *(4)***

Owned by : % Ownership 1 Name TRUMP MARKS SOHO LICENSE CORP Role Member

99 DTTM OPERATIONS LLC Member

379 ***TRUMP MARKS STAMFORD CORP *(1)***

Owned by : % Ownership 100 Name DTTM Operations Managing Member Corp Role Shareholder

Has ownership interest in : Entity Name TRUMP MARKS STAMFORD LLC Ownership 1.00% Title Member

380 ***TRUMP MARKS STAMFORD LLC***

Owned by : % Ownership 99 Name DTTM OPERATIONS LLC Role Member

1 TRUMP MARKS STAMFORD CORP Member

381 ***TRUMP MARKS SUNNY ISLES I LLC***

Owned by : % Ownership 1 Name TRUMP MARKS SUNNY ISLES I MEMBER CORP Role Member

99 DTTM OPERATIONS LLC Member

382 ***TRUMP MARKS SUNNY ISLES I MEMBER CORP *(1)***

Owned by : % Ownership 100 Name DTTM Operations Managing Member Corp Role Shareholder

Has ownership interest in : Entity Name TRUMP MARKS SUNNY ISLES I LLC Ownership 1.00% Title Member

383 ***TRUMP MARKS SUNNY ISLES II LLC *(4)***

Owned by : % Ownership 1 Name TRUMP MARKS SUNNY ISLES II MEMBER CORP Role Member

99 DTTM OPERATIONS LLC Member

384 ***TRUMP MARKS SUNNY ISLES II MEMBER CORP *(4)***

Owned by : % Ownership 100 Name DTTM Operations Managing Member Corp Role Shareholder

Has ownership interest in :	Entity Name	Ownership	Title
	TRUMP MARKS SUNNY ISLES II LLC	1.00%	Member

385 ***TRUMP MARKS TAMPA CORP *(3)***

Owned by :	% Ownership	Name	Role
	100	DTTM Operations Managing Member Corp	Shareholder

Has ownership interest in :	Entity Name	Ownership	Title
	TRUMP MARKS TAMPA LLC	1.00%	Member

386 ***TRUMP MARKS TAMPA LLC *(3)***

Owned by :	% Ownership	Name	Role
	1	TRUMP MARKS TAMPA CORP	Member
	99	DTTM OPERATIONS LLC	Member

387 ***TRUMP MARKS TORONTO CORP *(3)***

Owned by :	% Ownership	Name	Role
	100	DTTM Operations Managing Member Corp	Shareholder

Has ownership interest in :	Entity Name	Ownership	Title
	TRUMP MARKS TORONTO LLC	1.00%	Member

388 ***TRUMP MARKS TORONTO LLC *(3)***

Owned by :	% Ownership	Name	Role
	1	TRUMP MARKS TORONTO CORP	Member
	99	DTTM OPERATIONS LLC	Member

389 ***TRUMP MARKS TORONTO LP *(3)***

Owned by :	% Ownership	Name	Role
	1	TRUMP TORONTO MEMBER CORP	Member
	99	DTTM Operations LLC	Member

390 ***TRUMP MARKS WAIKIKI CORP *(1)***

Owned by :	% Ownership	Name	Role
	100	The Donald J. Trump Revocable Trust	Shareholder

Has ownership interest in :	Entity Name	Ownership	Title
	TRUMP MARKS WAIKIKI LLC	1.00%	Managing Member

391 ***TRUMP MARKS WAIKIKI LLC***

Owned by :	% Ownership	Name	Role
	1	TRUMP MARKS WAIKIKI CORP	Managing Member
	99	The Donald J. Trump Revocable Trust	Member

392 ***TRUMP MARKS WESTCHESTER CORP *(4)***

Owned by :	% Ownership	Name	Role
	100	DTTM Operations Managing Member Corp	Shareholder

Has ownership interest in :	Entity Name	Ownership	Title
	TRUMP MARKS WESTCHESTER LLC	1.00%	Managing Member

393 ***TRUMP MARKS WESTCHESTER LLC *(4)***

Owned by :	% Ownership	Name	Role
	1	TRUMP MARKS WESTCHESTER CORP	Managing Member
	99	DTTM OPERATIONS LLC	Member

394 ***TRUMP MARKS WHITE PLAINS CORP *(4)***

Owned by :	% Ownership	Name	Role
	100	DTTM Operations Managing Member Corp	Shareholder

Has ownership interest in :	Entity Name	Ownership	Title
	TRUMP MARKS WHITE PLAINS LLC	1.00%	Managing Member

395 ***TRUMP MARKS WHITE PLAINS LLC *(4)***

Owned by :	% Ownership	Name	Role
	1	TRUMP MARKS WHITE PLAINS CORP	Managing Member
	99	DTTM OPERATIONS LLC	Member

396 ***TRUMP MIAMI RESORT MANAGEMENT LLC***

Owned by :	% Ownership	Name	Role
	1	TRUMP MIAMI RESORT MANAGEMENT MEMBER CORP	Managing Member
	99	DJT Holdings LLC	Member

397 ***TRUMP MIAMI RESORT MANAGEMENT MEMBER CORP *(1)***

Owned by :	% Ownership	Name	Role
	100	DJT Holdings Managing Member LLC	Shareholder

Has ownership interest in :	Entity Name	Ownership	Title
	TRUMP MIAMI RESORT MANAGEMENT LLC	1.00%	Managing Member

398 ***TRUMP MODEL MANAGEMENT LLC***

Assumed Names :	D/B/A	Jurisdiction
	TRUMP MODELS	New York

Owned by :	% Ownership	Name	Role
	15	Annie Veltri	Member
	85	TMG Member, LLC	Member

399 ***TRUMP NATIONAL GOLF CLUB - COLTS NECK***

Owned by :	% Ownership	Name	Role
	1	TRUMP NATIONAL GOLF CLUB COLTS NECK MEMBER CORP	Managing Member
	99	DJT HOLDINGS LLC	Member

400 ***TRUMP NATIONAL GOLF CLUB COLTS NECK MEMBER CORP *(1)***

Owned by :	% Ownership	Name	Role
	100	DJT HOLDINGS MANAGING MEMBER LLC	Shareholder

Has ownership interest in :	Entity Name	Ownership	Title
	TRUMP NATIONAL GOLF CLUB - COLTS NECK	1.00%	Managing Member

401 ***TRUMP NATIONAL GOLF CLUB - WESTCHESTER***

Owned by :	% Ownership	Name	Role
	1	TRUMP NATIONAL GOLF CLUB MEMBER CORP	Managing Member
	99	DJT HOLDINGS LLC	Managing Member

402 ***TRUMP NATIONAL GOLF CLUB MEMBER CORP *(1)***

Owned by :	% Ownership	Name	Role
	100	DJT HOLDINGS MANAGING MEMBER LLC	Shareholder

Has ownership interest in :	Entity Name	Ownership	Title
	TRUMP NATIONAL GOLF CLUB - WESTCHESTER	1.00%	Managing Member

403 ***TRUMP NATIONAL GOLF CLUB - WASHINGTON DC***

Owned by :	% Ownership	Name	Role
	1	TRUMP NATIONAL GOLF CLUB WASHINGTON DC MEMBER CORP	Managing Member
	99	DJT HOLDINGS LLC	Member

404 ***TRUMP NATIONAL GOLF CLUB WASHINGTON DC MEMBER CORP *(1)***

Owned by :	% Ownership	Name	Role
	100	DJT HOLDINGS MANAGING MEMBER LLC	Shareholder

Has ownership interest in :	Entity Name	Ownership	Title
	TRUMP NATIONAL GOLF CLUB - WASHINGTON DC	1.00%	Managing Member

405 ***Trump New World Property Management, LLC *(3)***

Owned by :	% Ownership	Name	Role
	50	New World Property Management Limited	Managing Member
	50	TRUMP RIVERSIDE MANAGEMENT LLC	Managing Member

406 ***TRUMP OCEAN MANAGER, INC. *(3)--DISSOLVED 11/10/16***

Owned by :	% Ownership	Name	Role

Reference #

	100	Trump, Donald J.	Shareholder

Has ownership interest in :	Entity Name	Ownership	Title
	TRUMP OCEAN MANAGING MEMBER LLC	1.00%	Managing Member

408 ***TRUMP OLD POST OFFICE LLC***

Owned by :	% Ownership	Name	Role
	1	TRUMP OLD POST OFFICE MEMBER CORP	Managing Member
	76.725	DJT HOLDINGS LLC	Member
	22.275	Trump Family Members	Member

409 ***TRUMP OLD POST OFFICE MEMBER CORP *(1)***

Owned by :	% Ownership	Name	Role
	77.5	DJT HOLDINGS MANAGING MEMBER LLC	Shareholder
	22.5	Trump Family Members	

Has ownership interest in :	Entity Name	Ownership	Title
	TRUMP OLD POST OFFICE LLC	1.00%	Managing Member

411 ***TRUMP ORGANIZATION LLC *(3)***

Assumed Names :	D/B/A	Jurisdiction
	The Trump Organization	New York

Owned by :	% Ownership	Name	Role
	100	DJT Holdings LLC	Member

412 ***TRUMP PAGEANTS, INC. *(1)***

Owned by :	% Ownership	Name	Role
	100	DJT Holdings Managing Member LLC	Shareholder

Has ownership interest in :	Entity Name	Ownership	Title
	Miss Universe L.P., LLLP	2.00%	Partner

413 ***Miss Universe L.P., LLLP***

Owned by :	% Ownership	Name	Role
	2	TRUMP PAGEANTS, INC.	Partner
	98	DJT Holdings LLC	Partner

414 ***TRUMP PALACE/PARC LLC***

Owned by :	% Ownership	Name	Role
	0.1	FIRST MEMBER INC	Managing Member
	99.9	The Donald J. Trump Revocable Trust	Member

415 ***TRUMP PANAMA CONDOMINIUM MANAGEMENT LLC *(3)***

Owned by :	% Ownership	Name	Role
	1	TRUMP PANAMA CONDOMINIUM MEMBER CORP	Managing Member
	99	DJT Holdings LLC	Member

416 ***TRUMP PANAMA CONDOMINIUM MEMBER CORP *(3)***

Owned by :	% Ownership	Name	Role
	100	DJT Holdings Managing Member LLC	Shareholder

Has ownership interest in :	Entity Name	Ownership	Title
	TRUMP PANAMA CONDOMINIUM MANAGEMENT LLC	1.00%	Managing Member

417 ***TRUMP PANAMA HOTEL MANAGEMENT LLC***

Owned by :	% Ownership	Name	Role
	1	TRUMP PANAMA HOTEL MANAGEMENT MEMBER CORP	Managing Member
	99	DJT Holdings LLC	Member

418 ***TRUMP PANAMA HOTEL MANAGEMENT MEMBER CORP *(1)***

Owned by :	% Ownership	Name	Role
	100	DJT Holdings Managing Member LLC	Shareholder

Has ownership interest in :	Entity Name	Ownership	Title
	TRUMP PANAMA HOTEL MANAGEMENT LLC	1.00%	Managing Member

419 ***TRUMP PARK AVENUE ACQUISITION LLC *(1)***

Reference #

Owned by : % Ownership 100 Name The Donald J. Trump Revocable Trust Role Member

Has ownership interest in : Entity Name TRUMP PARK AVENUE LLC Ownership 49.90% Title Member

420 *TRUMP PARK AVENUE LLC*

Owned by : % Ownership 0.1 Name GEPT Delmonico LLC Role Member
49.9 TRUMP PARK AVENUE ACQUISITION LLC Member
50 TRUMP DELMONICO LLC Managing Member

421 *TRUMP PAYROLL CHICAGO LLC *(2)*

Owned by : % Ownership 100 Name 401 North Wabash Venture LLC Role Managing Member

422 *TRUMP PAYROLL CORP *(2)*

Owned by : % Ownership 100 Name DJT Holdings Managing Member LLC Role Shareholder

423 *TRUMP PHOENIX DEVELOPMENT LLC *(3)*

Owned by : % Ownership 100 Name DJT Holdings LLC Role Shareholder

424 *TRUMP PLAZA LLC*

Owned by : % Ownership 1 Name TRUMP PLAZA MEMBER INC. Role Managing Member
99 The Donald J. Trump Revocable Trust Member

425 *TRUMP PLAZA MEMBER INC. *(1)*

Owned by : % Ownership 100 Name The Donald J. Trump Revocable Trust Role Shareholder

Has ownership interest in : Entity Name TRUMP PLAZA LLC Ownership 1.00% Title Managing Member

426 *TRUMP PRODUCTIONS LLC*

Owned by : % Ownership 1 Name TRUMP PRODUCTIONS MANAGING MEMBER INC. Role Managing Member
99 DJT Holdings LLC Member

427 *TRUMP PRODUCTIONS MANAGING MEMBER INC. *(1)*

Owned by : % Ownership 100 Name DJT Holdings Managing Member LLC Role Shareholder

Has ownership interest in : Entity Name TRUMP PRODUCTIONS LLC Ownership 1.00% Title Managing Member

428 *TRUMP PROJECT MANAGEMENT CORP *(3)--DISSOLVED 11/10/16*

Owned by : % Ownership 100 Name Trump, Donald J. Role Shareholder

429 *TRUMP REALTY SERVICES LLC *(5)*

Owned by : % Ownership 100 Name DJT Holdings LLC Role Member

430 *Trump Restaurants LLC*

Owned by : % Ownership 100 Name DJT Holdings LLC Role Member

431 *TRUMP RIVERSIDE MANAGEMENT LLC *(3)*

Owned by : % Ownership 100 Name DJT Holdings LLC Role Shareholder

Has ownership interest in : Entity Name Trump New World Property Management, LLC Ownership 50.00% Title Managing Member

Reference #

432 ***TRUMP RUFFIN COMMERCIAL LLC *(assets & income already disclosed on Part 2 under TRUMP RUFFIN TOWER I LLC; operator of front desk)***

Owned by :	% Ownership	Name	Role
	100	TRUMP RUFFIN TOWER I LLC	Managing Member

433 ***TRUMP RUFFIN LLC *(1)***

Owned by :	% Ownership	Name	Role
	1	TRUMP LAS VEGAS MANAGING MEMBER LLC	Managing Member
	49	TRUMP LAS VEGAS MEMBER LLC	Member
	50	Hyde Park, LLC	Member

Has ownership interest in :	Entity Name	Ownership	Title
	TRUMP RUFFIN TOWER I LLC	100.00%	Managing Member

434 ***TRUMP RUFFIN TOWER I LLC***

Owned by :	% Ownership	Name	Role
	100	TRUMP RUFFIN LLC	Managing Member

Has ownership interest in :	Entity Name	Ownership	Title
	TRUMP RUFFIN COMMERCIAL LLC	100.00%	Managing Member

435 ***TRUMP SALES & LEASING CHICAGO LLC *(5)***

Owned by :	% Ownership	Name	Role
	1	TRUMP SALES & LEASING CHICAGO MEMBER CORP	Member
	99	DJT Holdings LLC	Member

436 ***TRUMP SALES & LEASING CHICAGO MEMBER CORP *(1)***

Owned by :	% Ownership	Name	Role
	100	DJT Holdings Managing Member LLC	Shareholder

Has ownership interest in :	Entity Name	Ownership	Title
	TRUMP SALES & LEASING CHICAGO LLC	1.00%	Member

437 ***TRUMP SCOTLAND MEMBER INC. *(1)***

Owned by :	% Ownership	Name	Role
	100	DJT Holdings Managing Member LLC	Shareholder

Has ownership interest in :	Entity Name	Ownership	Title
	TRUMP INTERNATIONAL GOLF LINKS - SCOTLAND	1.00%	Member

438 ***TRUMP SCOTSBOROUGH SQUARE LLC***

Owned by :	% Ownership	Name	Role
	1	TRUMP SCOTSBOROUGH SQUARE MEMBER CORP.	Managing Member
	99	DJT HOLDINGS LLC	Member

439 ***TRUMP SCOTSBOROUGH SQUARE MEMBER CORP. *(1)***

Owned by :	% Ownership	Name	Role
	100	DJT Holdings Managing Member LLC	Shareholder

Has ownership interest in :	Entity Name	Ownership	Title
	TRUMP SCOTSBOROUGH SQUARE LLC	1.00%	Managing Member

440 ***TRUMP SOHO MEMBER LLC *(3)***

Owned by :	% Ownership	Name	Role
	100	DJT Holdings LLC	Member

441 ***TRUMP TORONTO DEVELOPMENT, INC. *(4)***

Owned by :	% Ownership	Name	Role
	100	DJT Holdings Managing Member LLC	Shareholder

442 ***TRUMP TORONTO HOTEL MANAGEMENT CORP***

Owned by :	% Ownership	Name	Role
	100	DJT HOLDINGS MANAGING MEMBER LLC	Shareholder

443 ***TRUMP TORONTO MEMBER CORP *(3)***

Owned by :	% Ownership	Name		Role
	100	DTTM Operations Managing Member Corp		Shareholder

Has ownership interest in :	Entity Name	Ownership	Title
	TRUMP MARKS TORONTO LP	1.00%	Member

444 ***TRUMP TOWER COMMERCIAL LLC***

Owned by :	% Ownership	Name	Role
	1	TRUMP TOWER MANAGING MEMBER INC.	Managing Member
	99	The Trump-Equitable Fifth Avenue Company	Member

445 ***TRUMP TOWER MANAGING MEMBER INC.***

Owned by :	% Ownership	Name	Role
	100	The Donald J. Trump Revocable Trust	Shareholder

Has ownership interest in :	Entity Name	Ownership	Title
	TRUMP TOWER COMMERCIAL LLC	1.00%	Managing Member

446 ***Trump Village Construction Corp. *(1)***

Owned by :	% Ownership	Name	Role
	25	The Donald J. Trump Revocable Trust	Shareholder
	75	Trump Family Members	Shareholder

Has ownership interest in :	Entity Name	Ownership	Title
	Starrett City Associates, L.P.	1.84%	Partner
	Spring Creek Plaza LLC	1.84%	Member

447 ***TRUMP VINEYARD ESTATES LLC***

Owned by :	% Ownership	Name	Role
	1	TRUMP VINEYARD ESTATES MANAGER CORP	Managing Member
	99	DJT HOLDINGS LLC	Member

Has ownership interest in :	Entity Name	Ownership	Title
	TRUMP VINEYARD ESTATES LOT 3 OWNER LLC	100.00%	Member

448 ***TRUMP VINEYARD ESTATES LOT 3 OWNER LLC***

Owned by :	% Ownership	Name	Role
	100	TRUMP VINEYARD ESTATES LLC	Member

449 ***TRUMP VINEYARD ESTATES MANAGER CORP *(1)***

Owned by :	% Ownership	Name	Role
	100	DJT Holdings Managing Member LLC	Shareholder

Has ownership interest in :	Entity Name	Ownership	Title
	TRUMP VINEYARD ESTATES LLC	1.00%	Managing Member

450 ***TRUMP VIRGINIA ACQUISITIONS LLC***

Owned by :	% Ownership	Name	Role
	1	TRUMP VIRGINIA ACQUISITIONS MANAGER CORP	Managing Member
	99	DJT Holdings LLC	Member

451 ***TRUMP VIRGINIA ACQUISITIONS MANAGER CORP *(1)***

Owned by :	% Ownership	Name	Role
	100	DJT Holdings Managing Member LLC	Shareholder

Has ownership interest in :	Entity Name	Ownership	Title
	TRUMP VIRGINIA ACQUISITIONS LLC	1.00%	Managing Member

452 ***TRUMP VIRGINIA LOT 5 LLC***

Owned by :	% Ownership	Name	Role
	1	TRUMP VIRGINIA LOT 5 MANAGER CORP	Managing Member
	99	DJT HOLDINGS LLC	Member

453 ***TRUMP VIRGINIA LOT 5 MANAGER CORP *(1)***

Owned by :	% Ownership	Name	Role
	100	DJT Holdings Managing Member LLC	Shareholder

Reference #

Has ownership interest in :	Entity Name	Ownership	Title
	TRUMP VIRGINIA LOT 5 LLC	1.00%	Managing Member

454 ***TRUMP WINE MARKS LLC *(3)***

Owned by :	% Ownership	Name	Role
	1	TRUMP WINE MARKS MEMBER CORP	Managing Member
	99	DJT HOLDINGS LLC	Member

455 ***TRUMP WINE MARKS MEMBER CORP *(3)***

Owned by :	% Ownership	Name	Role
	100	DTTM Operations Managing Member Corp	Shareholder

Has ownership interest in :	Entity Name	Ownership	Title
	TRUMP WINE MARKS LLC	1.00%	Managing Member

456 ***TRUMP WORLD PRODUCTIONS LLC *(4)***

Owned by :	% Ownership	Name	Role
	1	TRUMP WORLD PRODUCTIONS MANAGER CORP	Managing Member
	99	DJT HOLDINGS LLC	Member

457 ***TRUMP WORLD PRODUCTIONS MANAGER CORP *(4)***

Owned by :	% Ownership	Name	Role
	100	DJT Holdings Managing Member LLC	Shareholder

Has ownership interest in :	Entity Name	Ownership	Title
	TRUMP WORLD PRODUCTIONS LLC	1.00%	Managing Member

458 ***TRUMP WORLD PUBLICATIONS LLC *(3)***

Owned by :	% Ownership	Name	Role
	100	DJT Holdings LLC	Member

459 ***TRUMP'S CASTLE MANAGEMENT CORP *(3)***

Owned by :	% Ownership	Name	Role
	100	The Donald J. Trump Revocable Trust	Shareholder

460 ***TURNBERRY SCOTLAND LLC *(1)***

Owned by :	% Ownership	Name	Role
	1	TURNBERRY SCOTLAND MANAGING MEMBER CORP	Managing Member
	99	DJT HOLDINGS LLC	Member

Has ownership interest in :	Entity Name	Ownership	Title
	Golf Recreation Scotland Limited	100.00%	Sole Member

461 ***TURNBERRY SCOTLAND MANAGING MEMBER CORP *(1)***

Owned by :	% Ownership	Name	Role
	100	DJT HOLDINGS MANAGING MEMBER LLC	Shareholder

Has ownership interest in :	Entity Name	Ownership	Title
	TURNBERRY SCOTLAND LLC	1.00%	Managing Member

462 ***TW VENTURE I LLC***

Owned by :	% Ownership	Name	Role
	1	TW VENTURE I MANAGING MEMBER CORP	Managing Member
	99	DJT HOLDINGS LLC	Member

463 ***TW VENTURE I MANAGING MEMBER CORP *(1)***

Owned by :	% Ownership	Name	Role
	100	DJT Holdings Managing Member LLC	Shareholder

Has ownership interest in :	Entity Name	Ownership	Title
	TW VENTURE I LLC	1.00%	Managing Member

464 ***TW VENTURE II LLC *(1)***

Owned by :	% Ownership	Name	Role

Reference #

	1	TW VENTURE II MANAGING MEMBER CORP	Managing Member
	99	DJT HOLDINGS LLC	Member

Has ownership interest in :	Entity Name	Ownership	Title
	TRUMP INTERNATIONAL GOLF LINKS - DOONBEG	100.00%	Shareholder

465 ***TW VENTURE II MANAGING MEMBER CORP *(1)***

Owned by :	% Ownership	Name	Role
	100	DJT HOLDINGS MANAGING MEMBER LLC	Shareholder

Has ownership interest in :	Entity Name	Ownership	Title
	TW VENTURE II LLC	1.00%	Managing Member

466 ***ULTIMATE AIR CORP. *(3)***

Owned by :	% Ownership	Name	Role
	100	DJT Holdings Managing Member LLC	Shareholder

467 ***UNIT 2502 ENTERPRISES CORP *(1)***

Owned by :	% Ownership	Name	Role
	100	DJT Holdings Managing Member LLC	Shareholder

Has ownership interest in :	Entity Name	Ownership	Title
	UNIT 2502 ENTERPRISES LLC	1.00%	Managing Member

468 ***UNIT 2502 ENTERPRISES LLC *(5)***

Owned by :	% Ownership	Name	Role
	1	UNIT 2502 ENTERPRISES CORP	Managing Member
	99	DJT HOLDINGS LLC	Member

469 ***TRUMP NATIONAL GOLF CLUB - LOS ANGELES***

Owned by :	% Ownership	Name	Role
	100	RPV DEVELOPMENT LLC	Shareholder

Has ownership interest in :	Entity Name	Ownership	Title
	VHPS LLC	100.00%	Managing Member

470 ***VHPS LLC *(assets & income already disclosed on Part 2 under TRUMP NATIONAL GOLF CLUB - LOS ANGELES; owner of vacant land)***

Owned by :	% Ownership	Name	Role
	100	TRUMP NATIONAL GOLF CLUB - LOS ANGELES	Managing Member

471 ***WEST PALM OPERATIONS LLC *(5)***

Owned by :	% Ownership	Name	Role
	100	DJT Holdings LLC	Member

472 ***Wexford Hall Inc. *(3)***

Owned by :	% Ownership	Name	Role
	25	The Donald J. Trump Revocable Trust	Shareholder
	75	Trump Family Members	Shareholder

473 ***WHITE COURSE LLC *(5)***

Owned by :	% Ownership	Name	Role
	1	WHITE COURSE MANAGING MEMBER CORP	Managing Member
	99	DJT HOLDINGS LLC	Member

474 ***WHITE COURSE MANAGING MEMBER CORP *(1)***

Owned by :	% Ownership	Name	Role
	100	DJT Holdings Managing Member LLC	Shareholder

Has ownership interest in :	Entity Name	Ownership	Title
	WHITE COURSE LLC	1.00%	Managing Member

475 ***Wilshire Hall LLC *(3)***

Owned by :	% Ownership	Name	Role
	25	DJT Holdings LLC	Member
	75	Trump Family Members	Member

Reference #

476 ***Wollman Rink Operations LLC***

Owned by :	% Ownership	Name	Role
	100	DJT Holdings LLC	Member

477 ***YORKTOWN REAL ESTATE LLC (F/K/A Yorktown Development Associates LLC) *(3)***

Owned by :	% Ownership	Name	Role
	100	DJT Holdings LLC	Member

478 ***HWA 555 Owners, LLC***

Owned by :	% Ownership	Name	Role
	100	Hudson Waterfront Associates I, L.P.	Partner

479 ***1290 AVENUE OF THE AMERICAS, A TENANCY-IN-COMMON***

Owned by :	% Ownership	Name	Role
	52	HWA 1290 III LLC	Partner
	20.2	HWA 1290 IV LLC	Partner
	27.8	HWA 1290 V LLC	Partner

480 ***Trump Management Inc.***

Owned by :	% Ownership	Name	Role
	25	The Donald J. Trump Revocable Trust	Shareholder
	75	Trump Family Members	Shareholder

481 ***HWA 1290 III LLC *(1)***

Owned by :	% Ownership	Name	Role
	100	Hudson Waterfront Associates III, L.P.	Partner

Has ownership interest in :	Entity Name	Ownership	Title
	1290 Avenue of the Americas	52.00%	Partner

482 ***HWA 1290 IV LLC *(1)***

Owned by :	% Ownership	Name	Role
	100	Hudson Waterfront Associates IV, L.P.	Partner

Has ownership interest in :	Entity Name	Ownership	Title
	1290 Avenue of the Americas	20.20%	Partner

483 ***HWA 1290 V LLC *(1)***

Owned by :	% Ownership	Name	Role
	100	Hudson Waterfront Associates V, L.P.	Partner

Has ownership interest in :	Entity Name	Ownership	Title
	1290 Avenue of the Americas	27.80%	Partner

486 ***Travel Enterprises Management Inc. *(5)***

Owned by :	% Ownership	Name	Role
	100	DJT Holdings Managing Member LLC	Shareholder

490 ***The Donald J. Trump Company LLC *(3)***

Owned by :	% Ownership	Name	Role
	100	The Donald J. Trump Revocable Trust	Member

493 ***DT BALI GOLF MANAGER LLC *(4)***

Owned by :	% Ownership	Name	Role
	1	DT BALI GOLF MANAGER MEMBER CORP	Managing Member
	99	TTTT VENTURE LLC	Member

494 ***DT BALI GOLF MANAGER MEMBER CORP *(4)***

Owned by :	% Ownership	Name	Role
	100	DJT Holdings Managing Member LLC	Shareholder

Has ownership interest in :	Entity Name	Ownership	Title

DT BALI GOLF MANAGER	1.00%	Managing Member

495 ***DT BALI HOTEL MANAGER LLC *(4)***

Owned by :	% Ownership	Name	Role
	1	DT BALI HOTEL MANAGER MEMBER CORP	Managing Member
	99	TTTT VENTURE LLC	Member

496 ***DT BALI HOTEL MANAGER MEMBER CORP *(4)***

Owned by :	% Ownership	Name	Role
	100	DJT Holdings Managing Member LLC	Shareholder

Has ownership interest in :	Entity Name	Ownership	Title
	DT BALI HOTEL MANAGER LLC	1.00%	Managing Member

497 ***DT BALI TECHNICAL SERVICES MANAGER LLC***

Owned by :	% Ownership	Name	Role
	1	DT BALI TECHNICAL SERVICES MANAGER MEMBER CORP	Managing Member
	99	TTTT VENTURE LLC	Member

498 ***DT BALI TECHNICAL SERVICES MANAGER MEMBER CORP *(1)***

Owned by :	% Ownership	Name	Role
	100	DJT Holdings Managing Member LLC	Shareholder

Has ownership interest in :	Entity Name	Ownership	Title
	DT BALI TECHINICAL SERVICES MANAGER LLC	1.00%	Managing Member

499 ***DT CONNECT EUROPE LIMITED***

Owned by :	% Ownership	Name	Role
	100	Golf Recreation Scotland Limited	Partner

500 ***DT ENDEAVOR I LLC***

Owned by :	% Ownership	Name	Role
	100	The Donald J. Trump Revocable Trust	Member

503 ***DT JEDDAH TECHNICAL SERVICES MANAGER LLC *(4)--DISSOLVED 11/15/16***

Owned by :	% Ownership	Name	Role
	1	DT JEDDAH TECHNICAL SERVICES MANAGER MEMBER CORP	Managing Member
	99	Trump, Donald J.	Member

504 ***DT JEDDAH TECHNICAL SERVICES MANAGER MEMBER CORP *(4)--DISSOLVED 11/15/16***

Owned by :	% Ownership	Name	Role
	100	Trump, Donald J.	Shareholder

Has ownership interest in :	Entity Name	Ownership	Title
	DT JEDDAH TECHINAL SERVICES MANAGER LLC	1.00%	Managing Member

505 ***DT LIDO GOLF MANAGER LLC *(4)***

Owned by :	% Ownership	Name	Role
	1	DT LIDO GOLF MANAGER MEMBER CORP	Managing Member
	99	TTTT VENTURE LLC	Member

506 ***DT LIDO GOLF MANAGER MEMBER CORP *(4)***

Owned by :	% Ownership	Name	Role
	100	DJT Holdings Managing Member LLC	Shareholder

Has ownership interest in :	Entity Name	Ownership	Title

	DT LIDO GOLF MANAGER LLC	1.00%	Managing Member

507 ***DT LIDO HOTEL MANAGER LLC *(4)***

Owned by :	% Ownership	Name	Role
	1	DT LIDO HOTEL MANAGER MEMBER CORP	Managing Member
	99	TTTT VENTURE LLC	Member

508 ***DT LIDO HOTEL MANAGER MEMBER CORP *(4)***

Owned by :	% Ownership	Name	Role
	100	DJT Holdings Managing Member LLC	Shareholder

Has ownership interest in :	Entity Name	Ownership	Title
	DT LIDO HOTEL MANAGER LLC	1.00%	Managing Member

509 ***DT LIDO TECHNICAL SERVICES MANAGER LLC***

Owned by :	% Ownership	Name	Role
	1	DT LIDO TECHNICAL SERVICES MANAGER MEMBER CORP	Managing Member
	99	TTTT VENTURE LLC	Member

510 ***DT LIDO TECHNICAL SERVICES MANAGER MEMBER CORP *(1)***

Owned by :	% Ownership	Name	Role
	100	DJT Holdings Managing Member LLC	Shareholder

Has ownership interest in :	Entity Name	Ownership	Title
	DT LIDO TECHNICAL SERVICES MANAGER LLC	1.00%	Managing Member

511 ***DT MARKS BALI LLC *(4)***

Owned by :	% Ownership	Name	Role
	1	DT MARKS BALI MEMBER CORP	Managing Member
	99	DTTM OPERATIONS LLC	Member

512 ***DT MARKS BALI MEMBER CORP *(4)***

Owned by :	% Ownership	Name	Role
	100	DTTM Operations Managing Member Corp	Shareholder

Has ownership interest in :	Entity Name	Ownership	Title
	DT MARKS BALI LLC	1.00%	Managing Member

513 ***DT MARKS LIDO LLC *(4)***

Owned by :	% Ownership	Name	Role
	1	DT MARKS LIDO MEMBER CORP	Managing Member
	99	DTTM OPERATIONS LLC	Member

514 ***DT MARKS LIDO MEMBER CORP *(4)***

Owned by :	% Ownership	Name	Role
	100	DTTM Operations Managing Member Corp	Shareholder

Has ownership interest in :	Entity Name	Ownership	Title
	DT MARKS LIDO LLC	1.00%	Managing Member

515 ***DT TOWER I LLC *(4)***

Owned by :	% Ownership	Name	Role
	1	DT TOWER I MEMBER CORP	Managing Member
	99	DJT Holdings LLC	Member

516 ***DT TOWER I MEMBER CORP *(4)***

Owned by :	% Ownership	Name	Role
	100	DJT Holdings Managing Member LLC	Shareholder

Has ownership interest in :	Entity Name	Ownership	Title
	DT TOWER I LLC	1.00%	Managing Member

517 ***DT TOWER KOLKATA LLC***

Owned by :	% Ownership	Name	Role
	1	DT TOWER KOLKATA MANAGING MEMBER CORP	Managing Member
	99	DTTM OPERATIONS LLC	Member

518 ***DT TOWER KOLKATA MANAGING MEMBER CORP *(1)***

Owned by :	% Ownership	Name	Role
	100	DTTM Operations Managing Member Corp	Shareholder

Has ownership interest in :	Entity Name	Ownership	Title
	DT TOWER KOLKATA LLC	1.00%	Member

519 ***DTTM OPERATIONS LLC***

Owned by :	% Ownership	Name	Role
	1	DTTM OPERATIONS MANAGING MEMBER CORP	Managing Member
	99	DJT Holdings LLC	Member

Has ownership interest in : various entities as indicated elsewhere in this schedule

520 ***DTTM OPERATIONS MANAGING MEMBER CORP *(1)***

Owned by :	% Ownership	Name	Role
	100	DJT Holdings Managing Member LLC	Shareholder

Has ownership interest in : various entities as indicated elsewhere in this schedule

521 ***EID VENTURE II LLC *(2)***

Owned by :	% Ownership	Name	Role
	1	EID VENTURE II MEMBER CORP	Managing Member
	99	The Donald J. Trump Revocable Trust	Member

522 ***EID VENTURE II MEMBER CORP *(2)***

Owned by :	% Ownership	Name	Role
	100	The Donald J. Trump Revocable Trust	Shareholder

Has ownership interest in :	Entity Name	Ownership	Title
	EID VENTURE II LLC	1.00%	Managing Member

523 ***MOBILE PAYROLL CONSTRUCTION LLC***

Owned by :	% Ownership	Name	Role
	1	MOBILE PAYROLL CONSTRUCTION MANAGER CORP	Managing Member
	99	DJT Holdings LLC	Member

524 ***MOBILE PAYROLL CONSTRUCTION MANAGER CORP *(1)***

Owned by :	% Ownership	Name	Role
	100	DJT Holdings Managing Member LLC	Shareholder

Has ownership interest in :	Entity Name	Ownership	Title
	MOBILE PAYROLL CONSTRUCTION LLC	1.00%	Managing Member

525 ***THC DC RESTAURANT HOSPITALITY LLC *(1)***

Owned by :	% Ownership	Name	Role
	100	OPO HOTEL MANAGER LLC	Member

528 ***THC JEDDAH HOTEL MANAGER LLC *(4)--DISSOLVED 11/15/16***

Reference #

Owned by :	% Ownership	Name	Role
	1	THC JEDDAH HOTEL MANAGER MEMBER CORP	Managing Member
	99	Trump, Donald J.	Member

529 ***THC JEDDAH HOTEL MANAGER MEMBER CORP *(4)--DISSOLVED 11/15/16***

Owned by :	% Ownership	Name	Role
	100	Trump, Donald J.	Shareholder

Has ownership interest in :	Entity Name	Ownership	Title
	THC JEDDAH HOTEL MANAGER LLC	1.00%	Managing Member

530 ***C DEVELOPMENT VENTURES LLC *(3)***

Owned by :	% Ownership	Name	Role
	1	C DEVELOPMENT VENTURES MEMBER CORP	Managing Member
	99	DTTM OPERATIONS LLC	Member

531 ***C DEVELOPMENT VENTURES MEMBER CORP *(3)***

Owned by :	% Ownership	Name	Role
	100	DTTM Operations Managing Member Corp	Shareholder

Has ownership interest in :	Entity Name	Ownership	Title
	C DEVELOPMENT VENTURES LLC	1.00%	Managing Member

532 ***TC MARKS BUENOS AIRES LLC *(4)--DISSOLVED 1/26/17***

Owned by :	% Ownership	Name	Role
	100	TTTT VENTURE LLC	Member

533 ***DT VENTURE I LLC***

Owned by :	% Ownership	Name	Role
	100	DJT Holdings LLC	Member

534 ***DT VENTURE I MEMBER CORP *(3)***

Owned by :	% Ownership	Name	Role
	100	DTTM Operations Managing Member Corp	Shareholder

535 ***DT VENTURE II LLC***

Owned by :	% Ownership	Name	Role
	100	DJT Holdings LLC	Member

536 ***DT VENTURE II MEMBER CORP *(3)***

Owned by :	% Ownership	Name	Role
	100	DTTM Operations Managing Member Corp	Shareholder

537 ***DT TOWER II LLC *(4)***

Owned by :	% Ownership	Name	Role
	1	DTTM Operations LLC	Member
	99	DT TOWER II MEMBER CORP	Managing Member

538 ***DT TOWER II MEMBER CORP *(4)***

Owned by :	% Ownership	Name	Role
	100	DTTM Operations Managing Member Corp	Shareholder

Has ownership interest in :	Entity Name	Ownership	Title
	DT TOWER II LLC	99.00%	Managing Member

539 ***DT ENDEAVOR I MEMBER CORP *(3)***

Owned by :	% Ownership	Name	Role

Filer's Name	Page Number
Donald J. Trump	A47 of 47

Reference #

100	DTTM Operations Managing Member Corp	Shareholder

540 ***4T HOLDINGS ONE LLC *(3)***

Owned by :	% Ownership	Name	Role
	100	TTTT VENTURE LLC	Member

541 ***4T HOLDINGS TWO LLC *(3)***

Owned by :	% Ownership	Name	Role
	100	TTTT VENTURE LLC	Member

542 ***STORAGE 106 LLC***

Owned by :	% Ownership	Name	Role
	100	The Donald J. Trump Revocable Trust	Member

543 ***T EXPRESS LLC *(5)***

Owned by :	% Ownership	Name	Role
	1	T EXPRESS MANAGER MEMBER CORP	Managing Member
	99	TTTT VENTURE LLC	Member

544 ***T EXPRESS MANAGER MEMBER CORP *(1)***

Owned by :	% Ownership	Name	Role
	100	DJT HOLDINGS MANAGING MEMBER LLC	Shareholder

Has ownership interest in :	Entity Name	Ownership	Title
	T EXPRESS LLC	1.00%	Managing Member

Real Estate License Fees (Royalties) are customarily paid to Trump in phases: upon signing of the License Agreement (Upfront Fee), and during various stages of the project's development. Therefore, the amount of License fee income reflected herein is dependent on the phase of that project's development cycle with the majority of payment back-loaded towards project completion.

Too Close

Peggy Siegal's Oscar Diary
to Call

David O. Russell and Spike Jones

Peggy Siegal and Catherine Martin

Suki Waterhouse and Bradley Cooper

This was the year absolutely no one could predict Best Picture for the 86th Academy Awards: not even me, the Oscar witch. This made directors Steve McQueen, Alfonso Cuaron and David O. Russell very crazy. After months of screenings, press conferences, lunches, and parties, publicists and bloggers had to look these three wise men in the eye and say, "We don't have a clue."

Then came the slogan, "It's time." That was Fox Searchlight's last suggestion on *12 Years a Slave* advertisements that subliminally registered in the hearts and minds of voters in the closing days of the studio's low-key campaign.

"It's time." So simple. Says it all. Just like the mantra "Find your voice" that marketing honcho **Harvey Weinstein** came up with three years ago, which drove *The King's Speech* to a win.

This is how you win an Oscar. You pinpoint and connect an exact emotion on the screen to an exact emotion that moves 6,000 voters who are mostly very smart white middle-aged guys.

On Oscar night, host **Ellen DeGeneres** joked to 43 million viewers, "Possibility number one: *12 Years a Slave* wins Best Picture. Possibility number two: You're all racists," answering the question three hours before the win was announced. DeGeneres then gifted sponsor Samsung with the world's most famous selfie and tipped a pizza delivery guy $1,000.

The gripping *12 Years a Slave* won Best Picture, putting Steve McQueen in the history books as the first black director, who is also British, to win an Oscar.

It took the star power of white heartthrob **Brad Pitt** to get the film financed. Taking the small but heroic role as the slave's savior, Brad then took a backseat by shooting WWII film, *Fury* in England, leaving the promotion to others.

Steve McQueen's muse **Michael Fassbender,** who portrayed a sadistic plantation owner, announced he would not campaign. McQueen, **Chiwetel Ejiofor** and an unknown supporting actress, **Lupita Nyong'o**, were left with the herculean task of selling a film about slavery that was guaranteed to embarrass every American. This is why their win was so poignant.

Warner Bros.' wildly popular *Gravity* had skyrocketed to $1 billion globally at the box office. This technical game changer propelled **Sandra Bullock** into outer space with $70 million of backend profits tucked into her space panties. The beloved thriller landed triumphantly with seven Oscars. Alfonso Cuarón, who slaved for four years to create his masterpiece, won two statues for directing and editing and became the first Latino director to win. Although *Gravity*'s producer **David Heyman** did not strike gold, this film was one hell of a second act after producing all those *Harry Potter* films.

In the past four years, David O. Russell has been a serious contender with 25 total nominations for his last three films. Hilarious and astute *American Hustle* garnered 10 nominations, but no wins this year.

The four acting categories were easy to predict. **Cate Blanchett** wowed the minute *Blue Jasmine* was released in July. This instantaneous phenomenon is known as the "**Colin-Firth-Daniel-Day-Lewis** slam dunk."

In November, beautiful darling **Jared Leto** stole everybody's hearts dressed as a woman in *Dallas Buyers Club*. His long hair, penchant for '90s grunge, and rock band 30 Seconds to Mars, made him another instant winner.

Matthew McConaughey's career renaissance became "McConaissance." *Mud*, *Dallas Buyer's Club*, *Wolf of Wall Street*, and finally HBO's

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True Detective collectively earned him Best Actor by December.

The actress who really stole the show on the campaign circuit was eloquent ingénue Lupita Nyong'o, who morphed into a fashion goddess. No one will forget her Best Supporting Actress acceptance speech when she said, "It doesn't escape me for one moment that so much joy in my life is thanks to so much pain in someone else's."

TUESDAY, FEBRUARY 25

I flew to L.A. with some indefinable eye infection that made Olympics reporter Bob Costas' reaction to Botox look attractive. My medical calamity possibly caused by Latisse, which promotes eyelash growth, caused my eyelids to resemble red golf balls and necessitated the wearing of dark glasses. No, I did not look as cool as **Anna Wintour**. I managed to grope my way through Oscar week in couture **Ralph Rucci** gowns and furs and pretend temporary blindness was "just a new look."

On this, my 30th trip to The Beverly Hills Hotel, the famous Polo Lounge had finally been renovated to look exactly like it did 30 years ago so as not to upset the regulars. Each pool cabana now had giant flat screens installed for watching CNN in the sun. Cate Blanchett and **Oprah Winfrey** were the hot Oscar week guests.

I headed over to the *Vanity Fair* Social Club, with its media-friendly "WeWork Hollywood" pop-up lounge. *Vanity Fair* publisher **Ed Menicheschi**, who perfected the Midas touch for masterminding Oscar week sponsorship, greeted me. I participated in a panel discussion of Oscar prognosticators about who would win, hosted by **Michael Hogan** of VF.com with **Anne Thompson** of IndieWire, **Sasha Stone** of Awards Daily, **Pete Hammond** of *Deadline*, **Dave Karger** of Fandango, **Krista Smith** of *Vanity Fair,* and **Kyle Buchanan** of Vulture. If you had put fire to our feet we could not tell you who was winning Best Picture. Like a bunch of nerds all trying to impress each other, we did predict every other category correctly.

The town was crawling with stars. So it wasn't shocking to find the most famous sitting in the middle of a public restaurant drinking and singing oldies by the **Eagles** and **Neil Diamond**. That was the scene at Nobu in L.A. where **Bono** and **U2**, here to perform *Mandela*'s theme "Ordinary Love" at the Oscars, sat drinking sake and **George Clooney**'s Casamigos Tequila with Clooney himself, and **Cindy Crawford** and **Rande Gerber** as they all belted out songs.

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Steve McQueen with Bianca Stigter
Alfonso Cuaron
Jennifer Lawrence
Brad Pitt and Angelina Jolie
Lupita Nyong'o

George left town soon after, was rumored to stop in London to see his new girlfriend, Oxford-educated British barrister **Amal Alamuddin**, and they headed to an exotic, secluded island for a much-deserved vacation. After winning the Oscar last year for producing *Argo*, George had a supporting role in *Gravity*; co-produced *August: Osage County*; and starred in *Tomorrowland*, which Disney will release in 2015. He also produced, wrote, directed, and acted in *The Monuments Men*. Clooney marched to Berlin, Milan, London, and Paris, successfully opening that film.

With his Oscar night absence, not only did he make sure Sandra Bullock got all the credit she deserved, but my hunch is that he was also quietly proud of his good friend Brad Pitt, who produced *12 Years a Slave*, *Gravity*'s biggest competition.

WEDNESDAY, FEBRUARY 26

Action central was now in the lobby of Chateau Marmont where *Vanity Fair*, **Graydon Carter**, and **Benedikt Taschen** honored world-class photographer **Annie Leibovitz** for the launch of her new sumo-sized book, *Annie Leibovitz*.

André Balazs confided that Annie pulled an all-nighter in her pajamas hanging her work. Balazs gave her free reign to install her huge iconic portraits throughout the hallways and first floor suites that were open during the party.

Photographers **Mario Testino** and **Terry Richardson** browsed as Annie walked **Quincy Jones** on a tour of her larger-than-life exhibition. **Sylvester Stallone** gazed at his own portrait taken 20 years ago, his Dorian Gray *Rocky* face now frozen—as in Botox—not the blockbuster animated Disney winner.

Paramount CEO **Brad Grey**'s wife **Cassandra**, **Carole Bayer Sager** and **Lorraine Schwartz** gave a private dinner at Cassandra's Violet Grey store on Melrose. **Jack Nicholson**, seated with model **Erin Wasson** and **Eva Mendes**, held court as superstar **Pharrell Williams** (in his **Vivienne Westwood** "Mountain" hat) and **Anjelica Huston** chatted

Michael Fassbender

Bono

up *Chinatown* producer **Robert Evans**. Dom Perignon sent the champagne, proving that even behind private dinners, one can now spot a sponsor.

THURSDAY, FEBRUARY 27

Oprah Winfrey slipped into *Essence*'s "Black Women in Hollywood" lunch at the Beverly Hills Hotel where **Cheryl Boone Isaacs**, the first black female president of the Academy, was honored with a Trailblazer Award.

President Bill Clinton, in town for the first United4Humanity gala at Sony Studios that night, had lunch at **Larry Gagosian**'s magnificent modern home in Holmby Hills.It was designed by architect A. Quincy Jones, the mentor of **Frank Gehry**—not to be confused with music legend Quincy Jones, the mentor of Michael Jackson. On this night, there were

This is how you win an Oscar. You pinpoint and connect an exact emotion on the screen to an exact emotion that moves 6,000 voters . . .

10 parties. English society decorator and Olympic party animal **Nicky Haslam** flew in from England for the *Vanity Fair* dinner Sunday night and was my escort for this evening. We made it to five parties.

Vanity Fair and Sony's "Toast to *American Hustle*" at Ago on Melrose was our first stop, to pay homage to David O. Russell. Inquiring minds, including hotshot producer **Megan Ellison**, **Amy Adams**, Sony CEO **Michael Lynton** and co-chairman **Amy Pascal**, debated who was winning Best Picture. We still didn't know.

CAA's **Josh Lieberman** was on his way to ICM's **John Burnham**'s Santa Monica home.

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Al Pacino and **David Mamet** were huddled on a couch as **Spike Lee** and **Meredith Vieira** sat nearby listening.

At Warner Bros.' fancy private dinner for its nominees at the Bel Air Hotel, Nicky and I were greeted by David Heyman. Executives **Sue Kroll** and **Juli Goodwin** brought us over to Sandra Bullock and CEO **Kevin Tsujihara**. Again, everyone whispered, "Who is winning Best Picture?" *Gravity*'s technical wizardry, revered in L.A., was now thought to have the edge.

Spike Jones arrived and was too superstitious to discuss his chances for Best Original Screenplay for *Her*. He won. Don't worry about *Blue Jasmine* fellow nominee **Woody Allen**; he was tap dancing with **Susan Stroman** on Broadway, rehearsing *Bullets Over Broadway*. As a man who doesn't believe in campaigning for awards, he just might show up to collect a few Tonys.

An exhausted Alfonso Cuarón was the last to appear, with girlfriend **Sheherazade Goldsmith**. He was fighting a cold and couldn't wait to get back to real, not reel, life.

Brad Grey's party for Paramount's nominees was in full swing at Spago Beverly Hills. *The Wolf of Wall Street*'s **Marty Scorsese** was huddled in a booth with Brad, marketing maven **Megan Colligan**, producer **Irwin Winkler**, and the ageless **Don Rickles**. **Jonah Hill**'s buddy **Leonardo DiCaprio** had just left, as he was getting a cold too, but he later showed up at the Bel Air, where Marty was staying, to have drinks with Scorsese and Cuarón in the bar.

Nebraska talent **Bruce Dern**, **Will Forte**, **June Squibb**, cinematographer **Phedon Papamichael** and screenwriter **Bob Nelson** relaxed since their grueling nine-month campaign, which had begun at Cannes, was finally over.

Ron Meyer, vice chairman of Universal, had his annual private party at his Malibu home in honor of Graydon Carter. **Barbra Streisand**, **Jim Brolin**, **John Travolta**, **Kelly Preston**, **Diane Lane**, **Robert Downey Jr.**, and **Paul Rudd** mingled under a tent with interior designer **Sandy Gallin** and his new husband **Bryan Fox**. Ron's daughter, jewelry designer **Jennifer Meyer,** came alone. It was nanny's night off, so her husband **Tobey Maguire** stayed home with the kids.

Larry Gagosian gave his 17th annual art opening and dinner, which is always a hot ticket for the rich and hip. This year, art photographer **Taryn Simon** mounted a show titled "Birds of the West Indies" after the seminal taxonomy by ornithologist James Bond. The exhibition also chronicled the women, weapons, and cars depicted in the *Bond* films, in addition to the birds that appear in all 24 movies. Even MGM couldn't dream this up.

Dinner followed next door at Mr. Chow's, complete with **Eva** and **Michael Chow**. Simon's filmmaker husband **Jake Paltrow** brought his mother **Blythe Danner** and his sister **Gwyneth**.

Since the Spielbergs and the Paltrows are close family friends, **Kate Capshaw** arrived with **Theo** and **Sasha Spielberg**. Jared Leto came with Terry Richardson. **Adrien Brody**, **Elle Fanning**, **Cameron Diaz**, **John Waters**, and **Robbie Robertson** chowed down. Power collectors **Eli** and **Edythe Broad** and **Bill** and **Maria Bell** split chopsticks.

After dinner, we migrated to Gagosian's home. It was raining, it was windy, and it was cold. Teetotaler Robbie Robertson slipped on wet stone outside the house. He was taken to the hospital that night and endured a two-hour operation on three broken ankle bones. Simultaneously, Nicky Haslam slipped onto a glass table and crashed to the floor. Nicky was fine; the table was a goner—so much excitement for one night.

FRIDAY, FEBRUARY 28

Woke up this morning and the eye problem had reached epic proportions as my left eye was now shut. Found an eye doctor to lance the infected eyelid. He gave me enough drugs to get me to the Publicist Guild lunch at the Beverly Wilshire Hotel. **Jerry Lewis** was receiving a Lifetime Achievement Award from **Carol Burnett**. Thankfully, I only needed one eye to take all that in.

At her uncle's Rodeo Drive store, **Roberta Armani** toasted fellow Italians Marty Scorsese and **Paolo Sorrentino**. The suits Leo wore in *The Wolf of Wall Street* were designed for him by Armani himself.

Paolo Sorrentino was the overwhelming favorite to win Best Foreign Film for his Fellini-inspired *The Great Beauty*, and indeed he won.

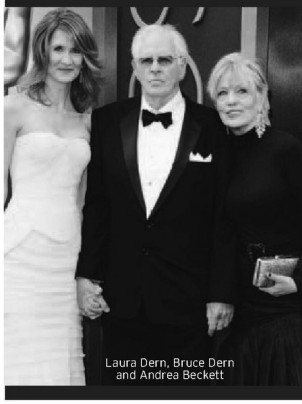
Armani's talent turnout was very impressive. Cate Blanchett, who has signed with the designer as the face of his perfume, was there with **Glenn Close**, **Robert DeNiro**, and **Samuel L. Jackson**. All were bedecked in Armani.

Wanda McDaniel, the marketing guru for Armani, was the very first to dress actresses on the red carpet. **Jodie Foster** was her muse and that was 25 years ago.

Lara Spencer

Greta Gerwig

Bette Midler


Laura Dern, Bruce Dern and Andrea Beckett

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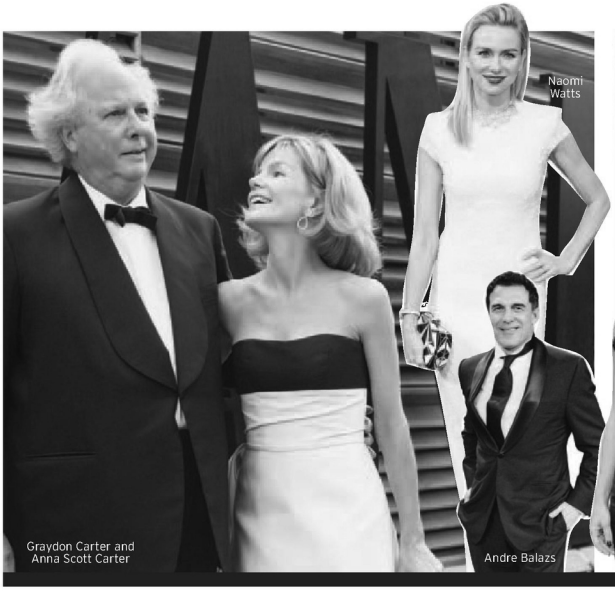
Graydon Carter and Anna Scott Carter

Naomi Watts

Andre Balazs

Harvey Weinstein and Georgina Chapman

Sandra Bullock

Terry Richardson

I never tire of the overwhelming excitement, throngs of eager press, and screaming fans. Everything boils down to this moment of mass hysteria.

Philomena producers **Gaby Tana** and **Tracey Seaward** invited me to **Steve Coogan**'s home where music man **Alexandre Desplat** and **Jon Hamm** were having beers. Coogan captivated me with conversation of how he and the real **Philomena Lee**, who was a red carpet regular, took their "full disclosure" adoption campaign to the Vatican, meeting The Pope. Only Harvey Weinstein could have pulled off that jaw-dropping marketing miracle.

Traditionally, there are three private agency parties on Friday night—WME, CAA, and UTA. They were hosted by **Ari Emanuel**, **Kevin Huvane**, and **Jim Berkus** and were press free, leaving the stars uninhibited and happy. **Justin Theroux**, about to explode in HBO's miniseries *The Leftovers*, canoodled with **Jennifer Aniston**. Past and present Oscar nominees and winners including **Ben Affleck**, **Matt Damon**, Oprah Winfrey, **Charlize Theron**, **Sean Penn**, **Bradley Cooper**, Jonah Hill, **Alexander Payne**, Steve McQueen, and Alfonso Cuarón were among the evening's migrating tribe.

SATURDAY, MARCH 1

Barry Diller and **Diane von Furstenberg** canceled their annual, highly anticipated outdoor lunch for Graydon Carter at their Coldwater Canyon home atop a steep hill because of impending torrential rain that never came. Three hundred power hungry showbiz executives were sent into a tailspin for an alternative activity.

Luckily, Sony Pictures Classics' and industry icons **Tom Bernard**, and **Michael Barker** took pity on me and invited me to their table at the Independent Spirit Awards under a wobbly tent that billowed with the wind in Santa Monica.

Bob Balaban and I headed to the 6th annual Chanel-sponsored dinner hosted by the debonair **Charles Finch** at Madeo. Girls donning $20k Chanel dresses included **Anne Hathaway**, **Sienna Miller** (with baby daddy **Tom Sturridge**), **Lily Collins**, **Greta Gerwig** and **Poppy Delevingne**. **Jessica de Rothschild** and her director husband **Sacha Gervasi** were in attendance as well as Adrien Brody, David O. Russell, **Oliver Stone**, **Danny Huston**, **Jean Pigozzi**, **Ben Silverman**, **Peter Morton**, and **Elon Musk**.

Harvey and **Bob Weinstein** along with Chopard honored their nominees, including the singers in RADiUS-TWC's Best Documentary winner *20 Feet from Stardom*, with a seated dinner at the Montage Hotel in the "Marchesa Ballroom." (The dining room was rechristened for the evening in honor of Harvey's wife **Georgina Chapman**'s dress label.) After dinner, guests were wowed by a performance from Weinstein's upcoming Broadway musical, *Finding Neverland*, based on their Oscar-nominated film about Peter Pan creator J. M. Barrie. Celebrities Bono, U2, **Meryl Streep**, **Julia Roberts**, Oprah Winfrey, **Olivia Wilde** and **Jason Sudeikis**, **Christoph Waltz**, and **Taylor Swift** gave *Neverland*'s stars, **Jason Alexander** and **Gary Barlow**, a standing ovation.

SUNDAY, MARCH 2

My Oscar date this year was GMA's glamorous **Lara Spencer**. I arrived, as usual, two hours early at the Dolby Theater in order to plant myself on the mother of all red carpets. Only this year, I was incognito with the dark

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glasses. I greeted each of Lara's interviewees as if they were coming to my house for dinner. I never tire of the overwhelming excitement, throngs of eager press, and screaming fans. Everything boils down to this moment of mass hysteria. It's always humbling to stand among the entertainment giants, wish them luck and have them nervously smile back. It's the bittersweet finale when all of the campaigning is over and you think you won't see them until their next movie. It's like the last day of camp.

I was now dateless and alone as Lara Spencer went home suffering from a sore throat.

Those in the know always hang out at the downstairs bar during the broadcast where the sound is turned up on the flat screens. This year, Cate Blanchett's husband theater impresario **Andrew Upton** bought me free drinks. I hung out with Cate, her CAA agent **Hylda Queally**, the adorable skinny **Sally Hawkins** in a heavily beaded **Valentino** gown, **Julia Roberts**, and Tom Bernard and Michael Barker who have 140 career nominations and 32 wins.

After reassuring Blanchett that her stupendous pale beaded Armani Privé gown was the best of the other girls' pale dresses and that her Oscar would pop against it, she went on stage to win.

While I was at the Oscar broadcast, 160 VIPs at Graydon Carter's annual Oscar viewing dinner were getting ready for the rush of a thousand more party guests. Five hundred limos were on the way. Those who watched the awards from the beige, circular dining room were Graydon's friends including: **Sofia Vergara**, **Tom Ford**, **Carolina Herrera**, **Bruce Weber**, **Allen Grubman**, **Bob Colacello**, **Judd Apatow**, **Jeff Klein** and **John Goldwyn**, **Rupert Murdoch**, **Steve Newhouse**, **Les Moonves**, and **Jimmy Buffet.**

I ran through the Governor's Ball and found **Bryan Lourd** and Fox's beloved leader **Jim Gianopulos**, ushered by Fox Searchlight's **Michelle Hooper**, sitting at Brad Pitt's empty table because everyone else was still in the press room doing interviews.

I arrived at the *Vanity Fair* party at its new location, 8680 Sunset Boulevard, a parking lot that was transformed into an airy glass dome. I stood in a corner, ravenously inhaling my In-n-Out burger with ketchup dripping down my chin and of course, Graydon—the adored maestro of the week—came up and so sweetly wanted to know how I was doing. It's a little difficult to respond with a mouthful of food behind dark glasses.

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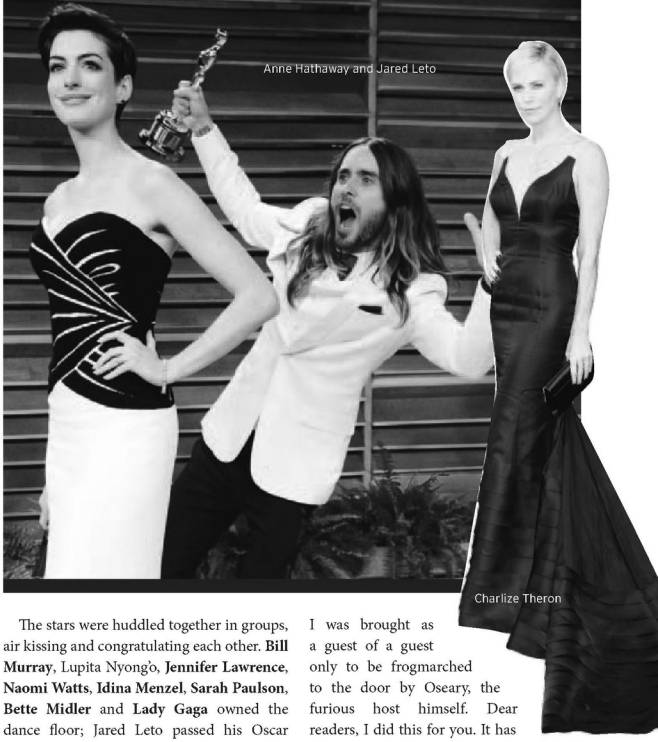
Anne Hathaway and Jared Leto

Charlize Theron

The stars were huddled together in groups, air kissing and congratulating each other. **Bill Murray**, Lupita Nyong'o, **Jennifer Lawrence**, **Naomi Watts**, **Idina Menzel**, **Sarah Paulson**, **Bette Midler** and **Lady Gaga** owned the dance floor; Jared Leto passed his Oscar around so much he dropped it and it now sports a little dent in the head; pregnant **Kerry Washington** ate for two; and the **Janes—Fonda** and **Buffet**—huddled on a couch, while *The Great Gatsby*'s production and costume designer, and wife of director **Baz Luhrmann**, **Catherine Martin** and I posed with her two Oscars. (Including the two she won for *Moulin Rouge*, she now has four).

Even **Madonna** has sponsors now. The material girl—blinding in 1,000 carats of **Neil Lane**'s diamonds—hosted her seventh annual awards bash at her manager **Guy Oseary**'s home with Gucci. Originally super secret, the party is now a headline on Page Six. Madonna made her best effort to cream off the stars from Graydon's party.

In attendance were **Paul McCartney**, **Tom Brady** and **Gisele Bündchen**, newly engaged **Ashton Kutcher** and **Mila Kunis**, **Serena Williams**, **Prince**, and **Pink**. Madonna closed out her own party by breakdancing with her kids and **Miley Cyrus**, and spinning records until 7 a.m. for Matthew McConaughey.

Madge, short for majesty, would rather die than entertain press, let alone an adorable publicist like *moi*. Last year, ever so curious, I was brought as a guest of a guest only to be frogmarched to the door by Oseary, the furious host himself. Dear readers, I did this for you. It has taken me a year to admit—I was too socially traumatized to report my investigative failure. I now realize that I was just a pawn for Oseary's A-list purity for the night. His own rock status had been boosted by signing Bono and U2. Thank God my social stock is still otherwise intact. The week before the Oscars, the real **Oscar—de la Renta**—had invited me to his beachfront paradise in the Dominican Republic with **Lord** and **Lady Astor**. In June, the **Duke** and **Duchess of Marlborough** are expecting me at Blenheim Palace. So much for not making the cut at Madonna's.

Once again, I scored a ride home on a friend's plane where my dark glasses fit right in. Passengers received an email that morning requesting "no jeans." I thought this was a bizarre fashion edict, only to find out the indigo dye in denim bleeds onto the jet's white leather chairs.

As a closing to my 10th annual Oscar diary, I can sum up this year's race as one of intense emotions and euphoric pride for our love of what Americans do best: making the most wonderful and culturally enlightening movies that entertain the world. On to Cannes!✦

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May 19, 2008

VIA FACSIMILE [redacted]

CONFIDENTIAL

Honorable Mark Filip
Office of the Deputy Attorney General
United States Department of Justice
950 Pennsylvania Avenue, N.W.
Washington, D.C. 20530

Dear Judge Filip:

In his confirmation hearings last fall, Judge Mukasey admirably lifted up the finest traditions of the Department of Justice in assuring the United States Senate, and the American people, of his solemn intent to ensure fairness and integrity in the administration of justice. Your own confirmation hearings echoed that bedrock determination to assure that the Department conduct itself with honor and integrity, especially in the enforcement of federal criminal law.

We come to you in that spirit and respectfully ask for a review of the federal involvement in a quintessentially state matter involving our client, Jeffrey Epstein. While we are well aware of the rare instances in which a review of this sort is justified, we are confident that the circumstances at issue warrant such an examination. Based on our collective experiences, as well as those of other former senior Justice Department officials whose advice we have sought, we have never before seen a case more appropriate for oversight and review. Thus, while neither of us has previously made such a request, we do so now in the recognition that both the Department's reputation, as well as the due process rights of our client, are at issue.

Recently, the Criminal Division concluded a very limited review of this matter at the request of U.S. Attorney Alex Acosta. Critically, however, this review deliberately excluded many important aspects of this case. Just this past Friday, on May 16, 2008, we received a letter from the head of CEOS informing us that CEOS had conducted a review of this case. By its own admission, the CEOS review was "limited, both factually and legally." Part of the self-imposed limitation was CEOS's abstention from addressing our "allegations of professional misconduct by federal prosecutors"—even though such misconduct was, as we contend it is, inextricably intertwined with the credibility of the accusations being made against Mr. Epstein by the United States Attorney's Office in Miami ("USAO"). Moreover, CEOS did not assess the terms of the Deferred Prosecution Agreement now in effect, nor did CEOS review the federal prosecutors' inappropriate efforts to implement those terms. We detail this point below.

By way of background, we were informed by Mr. Acosta that, at his request, CEOS would be conducting a review to determine whether federal prosecution was both appropriate and, in his words, "fair." That is not what occurred. Instead, CEOS has now acknowledged that we had raised "many compelling arguments" against the USAO's suggested "novel application" of federal law in this matter. Even so, CEOS concluded, in minimalist fashion, that "we do not see anything that says to us *categorically* that a federal case should not be brought" and that the U.S. Attorney "would not be *abusing his prosecutorial discretion* should he authorize federal prosecution of Mr. Epstein" thus delegating back to Mr. Acosta the decision of whether federal prosecution was warranted (emphasis added). Rather than assessing whether prosecution would be *appropriate*, CEOS, using a low baseline for its evaluation, determined only that "it would not be impossible to prove . . ." certain allegations made against Mr. Epstein. The CEOS review failed to address the significant problems involving the appearance of impermissible selectivity that would necessarily result from a federal prosecution of Mr. Epstein.

We respect CEOS's conclusion that its authority to review "misconduct" issues was precluded by Criminal Division practice. We further respect CEOS's view that it understood its mission as significantly limited. Specifically, the contemplated objective was to determine whether the USAO would be abusing its discretion by bringing a federal prosecution rather than making its own de novo recommendations on the appropriate reach of federal law. However, we respectfully submit that a full review of all the facts is urgently needed at senior levels of the Justice Department. In an effort to inform you of the nature of the federal investigation against Mr. Epstein, we summarize the facts and circumstances of this matter below.

The two base-level concerns we hold are that (1) federal prosecution of this matter is not warranted based on the purely-local conduct and the unprecedented application of federal statutes to facts such as these and (2) the actions of federal authorities are both highly questionable and give rise to an appearance of substantial impropriety. The issues that we have raised, but which have not yet been addressed or resolved by the Department, are more than isolated allegations of professional mistakes or misconduct. These issues, instead, affect the appearance and administration of criminal justice with profound consequences beyond the resolution in the matter at hand.

* * *

In a precedent-shattering investigation of Jeffrey Epstein that raises important policy questions—and serious issues as to the fair and honorable enforcement of federal law—the USAO in Miami is considering extending federal law beyond the bounds of precedent and reason. Federal prosecutors stretched the underlying facts in ways that raise fundamental questions of basic professionalism. Perhaps most troubling, the USAO in Miami, as a condition of deferring prosecution, required a commingling of substantive federal criminal law with a proposed civil remedy engineered in a way that appears intended to profit particular lawyers in

private practice in South Florida with personal relationships to some of the prosecutors involved. Federal prosecutors then leaked highly sensitive information about the case to a New York Times reporter.[1] The immediate result of this confluence of extraordinary circumstances is an onslaught of civil lawsuits, all save one brought by the First Assistant's former boutique law firm in Miami.

The facts in this case all revolve around the classic state crime of solicitation of prostitution.[2] The State Attorney's Office in Palm Beach County had conducted a diligent investigation, convened a Grand Jury that returned an indictment, and made a final determination about how to proceed. That is where, in our federal republic, this matter should rest. Mr. Epstein faces a felony conviction in state court by virtue of his conduct, and the only reason the State has not resolved this matter is that the federal prosecutors in Miami have continued to insist that we, Mr. Epstein's counsel, approach and demand from the State Attorney's Office a harsher charge and a more severe punishment than that Office believes are appropriate under the circumstances. Yet despite the USAO's refusal to allow the State to resolve this matter on the terms the State has determined are appropriate, the USAO has not made any attempt to coordinate its efforts with the State. In fact, the USAO mandated that any federal agreement would be conditioned on Mr. Epstein persuading the State to seek a criminal punishment unlike that imposed on other defendants within the jurisdiction of the State Attorney for similar conduct.

From the inception of the USAO's involvement in this case, which at the end of the day is a case about solicitation of prostitution within the confines of Palm Beach County, Florida, we have asked ourselves why the Department of Justice is involved. Regrettably, we are unable to suggest any appropriate basis for the Department's involvement. Mr. Epstein has no criminal history whatsoever. Also, Mr. Epstein has never been the subject of general media interest until a few years ago, after it was widely perceived by the public that he was a close friend of former President Bill Clinton.

The conduct at issue is simply not within the purview of federal jurisdiction and lies outside the heartland of the three federal statutes that have been identified by prosecutors—18 U.S.C. §§ 1591, 2422(b), and 2423(b).

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1 One of the other members of Mr. Epstein's defense team, Jay Lefkowitz, has personally reviewed the reporter's contemporaneous notes.

2 Although some of the women alleged to be involved were 16 and 17 years of age, several of these women openly admitted to lying to Mr. Epstein about their age in their recent sworn statements.

These statutes are intended to target crimes of a truly national and international scope. Specifically, § 1591 was enacted to combat human trafficking, § 2422 is aimed at sexual predation of minors through the Internet, and § 2423 deals with sex tourism. The nature of these crimes results in multi-jurisdictional problems that state and local authorities cannot effectively confront on their own. However, Mr. Epstein's conduct was purely local in nature and, thus, does not implicate federal involvement. After researching every reported case brought under 18 U.S.C. §§ 1591, 2422(b), and 2423(b), we found that not a single case involves facts or a scenario similar to the situation at hand. Our review of each precedent reflects that there have been no reported prosecutions under § 1591 of a 'john' whose conduct with a minor lacked force, coercion, or fraud and who was not profiting from commercial sexual trafficking. There have likewise been no cases under § 2422(b)—a crime of communication—where there was no use of the Internet, and where the content of phone communications did not contain any inducing or enticing of a minor to have illegal sexual activity as expressly required by the language of the statute. Furthermore, the Government's contention that "routine and habit" can fill the factual and legal void created by the lack of evidence that such a communication ever occurred sets this case apart from every reported case brought under § 2422(b). Lastly, there are no reported cases of violations of § 2423(b) of a person whose dominant purpose in traveling was merely to go to his own home.[3]

Although these matters were within the scope of the CEOS review, rather than considering whether federal prosecution is appropriate, CEOS only determined that U.S. Attorney Acosta "would not be abusing his prosecutorial discretion should he authorize federal prosecution" in this case. The "abuse of discretion" standard constitutes an extremely low bar of evaluation and while it may be appropriate when the consideration of issues are exclusively factual in nature, this standard fails to address concerns particular to this situation, namely the "novel application" of federal statutes. The "abuse of discretion" standard in such pure legal matters of statutory application risks causing a lack of uniformity. The same federal statutes that would be stretched beyond their bounds in Miami have been limited to their heartland in each of the other federal districts. Also, because this case implicates broader issues of the administration of equal justice, federal prosecution in this matter risks the appearance of selectivity in its stretching of federal law to fit these facts.

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[3] Federal prosecution of a man who engaged in consensual conduct in his home that amounted to, at most, the solicitation of prostitution, is unprecedented. Since prostitution is fundamentally a state concern, (*see United States v. Evans*, 476 F.3d 1176, n.1 (11th Cir. 2007) (federal law "does not criminalize all acts of prostitution (a vice traditionally governed by state regulation)")), and there is no evidence that Palm Beach County authorities and Florida prosecutors cannot effectively prosecute and punish the conduct, there is no reason why this matter should be extracted from the hands of state prosecutors in Florida.

In fact, recent testimony of several alleged "victims" contradicts claims made by federal prosecutors during the negotiations of a deferred prosecution agreement. The consistent representations of key Government witnesses (such as [redacted], [redacted], [redacted], and [redacted]) confirm the following critical points: *First*, there was no communication, telephonic or otherwise, that meets the requirements of § 2422(b). For instance, Ms. Gonzalez confirmed that Mr. Epstein never emailed, text-messaged, or used any facility of interstate commerce whatsoever, before or after her one (and only) visit to his home. [redacted] Tr. (deposition) at 30. *Second*, the women who testified admitted that they lied to Mr. Epstein about their age in order to gain admittance into his home. Indeed, the women who brought their underage friends to Mr. Epstein testified that they would counsel their friends to lie about their ages as well. [redacted] stated the following: "I would tell my girlfriends just like [redacted] approached me. Make sure you tell him you're 18. Well, these girls that I brought, I know that they were 18 or 19 or 20. And the girls that I didn't know and I don't know if they were lying or not, I would say make sure that you tell him you're 18." [redacted] *Third*, there was no routine or habit of improper communication expressing an intent to transform a massage into an illegal sexual act. In fact, there was often no sexual activity at all during the massage. [redacted] testified that "[s]ometimes [Mr. Epstein] just wanted his feet massaged. Sometimes he just wanted a back massage." [redacted] also stated that Mr. Epstein "never touched [her] physically" and that all she did was "massage[ ] his back, his chest and his thighs and that was it." [redacted] *Finally*, there was no force, coercion, fraud, violence, drugs, or even alcohol present in connection with Mr. Epstein's encounters with these women. [redacted] stated that "[Mr. Epstein] never tried to force me to do anything." [redacted] at 12. These accounts are far from the usual testimony in sex slavery, Internet stings and sex tourism cases previously brought. The women in actuality were not younger than 16, which is the age of consent in most of the 50 states, and the sex activity was irregular and in large part, consisted of solo self-pleasuring.

The recent crop of civil suits brought against Mr. Epstein confirm that the plaintiffs did not discuss any sexually-related activities with anyone prior to arriving at Mr. Epstein's residence. This reinforces our contention that no telephonic or Internet persuasion, inducement, enticement or coercion of a minor, or of any other individual, occurred. In addition, Mr. Jeffrey Herman, the former law partner of one of the federal prosecutors involved in this matter and the attorney for most of the civil complainants (as described in detail below), was quoted in the Palm Beach *Post* as saying that "it doesn't matter" that his clients lied about their ages and told Mr. Epstein that they were 18 or 19.

Not only is a federal prosecution of this matter unwarranted, but the irregularity of conduct by prosecutors and the unorthodox terms of the deferred prosecution agreement are beyond any reasonable interpretation of the scope of a prosecutor's responsibilities. The list of improprieties includes, but is not limited to, the following facts:

- Federal prosecutors made the unprecedented demand that Mr. Epstein pay a minimum of $150,000 per person to an unnamed list of women they referred to as minors and whom they insisted required representation by a guardian ad litem. Mr. Epstein's counsel later established that all but one of these individuals were actually adults, not minors. Even then, though demanding payment to the women, the USAO eventually asserted that it could not vouch for the veracity of any of the claims that these women might make.

- Federal prosecutors made the highly unusual demand that Mr. Epstein pay the fees of a civil attorney chosen by the prosecutors to represent these alleged "victims" should they choose to bring any civil litigation against him. They also proposed sending a notice to the alleged "victims," stating, in an underlined sentence, that should they choose their own attorney, Mr. Epstein would not be required to pay their fees. The prosecutors further demanded that Mr. Epstein waive his right to challenge any of the allegations made by these "victims."

- The Assistant U.S. Attorney involved in this matter recommended for the civil attorney, a highly lucrative position, an individual that we later discovered was closely and personally connected to the Assistant U.S. Attorney's own boyfriend.

- Federal prosecutors represented to Mr. Epstein's counsel that they had identified (and later rechecked and re-identified) several alleged "victims" of federal crimes that qualified for payment under 18 U.S.C. § 2255, a civil remedy designed to provide financial benefits to victims. Only through state discovery provisions did we later learn that many of the women on the rechecked "victim list" could not possibly qualify under § 2255. The reason is that they, themselves, testified that they did not suffer any type of harm whatsoever, a prerequisite for the civil recovery under § 2255. Moreover, these women stated that they did not, now or in the past, consider themselves to be victims.

- During the last few months, Mr. Herman, First Assistant Sloman's former law partner, has filed several civil lawsuits against Mr. Epstein on behalf of the alleged "victims." It is our understanding that each of Mr. Herman's clients are on the

Government's confidential "list of victims." Most of these lawsuits seek $50 million in money damages.[4]

- Assistant U.S. Attorney David Weinstein spoke about the case in great detail to Landon Thomas, a reporter with the *New York Times*, and revealed confidential information about the Government's allegations against Mr. Epstein. The Assistant U.S. Attorney also revealed the substance of confidential plea negotiations.

- When counsel for Mr. Epstein complained about the media leaks, First Assistant Sloman responded by asserting that "Mr. Thomas was given, pursuant to his request, non-case specific information concerning specific federal statutes." Based on Mr. Thomas' contemporaneous notes, that assertion appears to be false. For example, Mr. Weinstein told Mr. Thomas that federal authorities believed that Mr. Epstein had lured girls over the telephone and traveled in interstate commerce for the purpose of engaging in underage sex. He recounted to Mr. Thomas the USAO's theory of prosecution against Mr. Epstein, replete with an analysis of the key statutes being considered. Furthermore, after Mr. Epstein's defense team complained about the leak to the USAO, Mr. Weinstein, in Mr. Thomas' own description, then admonished him for talking to the defense, and getting him in trouble. Mr. Weinstein further told him not to believe the "spin" of Mr. Epstein's "high-priced attorneys," and then, according to Mr. Thomas, Mr. Weinstein forcefully "reminded" Mr. Thomas that all prior conversations were merely hypothetical.

We are constrained to conclude that the actions of federal officials in this case strike at the heart of one of the vitally important, enduring values in this country: the honest enforcement of federal law, free of political considerations and free of the taint of personal financial motivations on the part of federal prosecutors that, at a minimum, raise the appearance of serious impropriety.

We were told by U.S. Attorney Acosta that as part of the review he requested, the Department had the authority, and his consent, to make any determination it deemed appropriate regarding this matter, including a decision to decline federal prosecution. Yet, CEOS's only conclusion, based on its limited review of the investigation, is that U.S. Attorney Acosta would not abuse his discretion by proceeding against Mr. Epstein. Thus, the decision of whether

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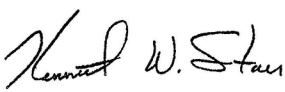
4 As recently as two months ago, Mr. Sloman was still listed publicly as a part of his former law firm. While we assume this was an oversight, Mr. Sloman's identification as part of the firm raises the appearance of impropriety.

prosecution *is fair and appropriate* has been placed, once again, in U.S. Attorney Acosta's hands.

In light of the foregoing, we respectfully ask that you review this matter and discontinue all federal involvement so that the State can appropriately bring this matter to closure. We would greatly appreciate the opportunity to meet with you to discuss these important issues. Such a meeting would provide the Department with an opportunity to review the paramount issues of federalism and the appearance of selectivity that are generated by the unprecedented attempts to broaden the ambit of federal statutes to places that they have never before reached. We sincerely appreciate your attention to this matter.

Respectfully submitted,



Kenneth W. Starr
Kirkland & Ellis LLP

Joe D. Whitley
Alston & Bird LLP

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Honorable Mark Filip	Office of the Deputy Attorney General United States Department of Justice	[redacted]	[redacted]

From:	*Date:*	*Pages w/cover:*	*Fax #:*	*Direct #:*
Kenneth W. Starr	May 19, 2008	9	[redacted]	[redacted]

Message:

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Joe D. Whitley
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May 27, 2008

VIA FACSIMILE [redacted]

CONFIDENTIAL

Honorable Mark Filip
Office of the Deputy Attorney General
United States Department of Justice
950 Pennsylvania Avenue, N.W.
Washington, D.C. 20530

Dear Judge Filip:

This letter briefly supplements our prior submission to you dated May 19, 2008. In that communication, we urgently requested that your Office conduct an independent review of the proposed federal prosecution of our client, Jeffrey Epstein. The dual reasons for our request that you review this matter are (i) the bedrock need for integrity in the enforcement of federal criminal laws, and (ii) the profound questions raised by the unprecedented extension of federal law by the United States Attorney's Office in Miami (the "USAO") to a prominent public figure who has close ties to former President Clinton.

The need for review is now all the more exigent. On Monday, May 19, 2008, First Assistant Jeffrey Sloman of the USAO responded to an email from Jay Lefkowitz informing U.S. Attorney Alex Acosta that we would be seeking your Office's review. Mr. Sloman's letter, which imposed a deadline of June 2, 2008 to comply with all the terms of the current Non-Prosecution Agreement (the "Agreement"), plus new unilateral modifications, on pain of being deemed in breach of that Agreement, appears to have been deliberately designed to deprive us of an adequate opportunity to seek your Office's review in this matter.

The USAO's desire to foreclose a complete review is understandable, given that the Child Exploitation and Obscenity Section ("CEOS") has already determined that our substantive arguments regarding why a federal prosecution of Mr. Epstein is not warranted were "compelling." However, in contradiction to Mr. Sloman's assertion that CEOS had provided an independent, *de novo* review, CEOS made clear that it did not do so. Indeed, CEOS declined to examine several of the more troubling aspects of the investigation of Mr. Epstein, including the deliberate leak to the *New York Times* of numerous highly confidential aspects of the investigation and negotiations between the parties as well as the recent crop of civil lawsuits filed against Mr. Epstein by Mr. Sloman's former law partner.

The unnecessary and arbitrarily imposed deadline set by the USAO was done without any respect for the normal functioning and scheduling of state judicial matters. It requires that Mr. Epstein's counsel persuade the State Attorney of Palm Beach to issue a criminal information

to a charge that the State Attorney has not, despite a two year investigation, determined to be appropriate. Mr. Epstein's counsel must also successfully expedite a plea of guilty to this charge on a date prior to July 8, 2008, which is the date presently set by the state court Judge.

Further, the unnecessary deadline is even more problematic because Mr. Epstein's effort to reconcile the state charge and sentence with the terms of the Agreement requires an unusual and unprecedented threatened application of federal law. Thus, it places Mr. Epstein in the highly unusual position of having to demand that the State acquiesce to a more severe punishment than it had already determined was appropriate.

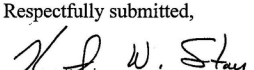
We have attempted to resolve these and other issues through the USAO and CEOS, including raising our concerns about the USAO's inappropriate conduct with respect to this matter. But those avenues have now been shut down. Mr. Sloman's letter purports to prohibit any further contact between Mr. Epstein's defense team and U.S. Attorney Acosta, and instead requires us to communicate with the USAO only though Mr. Sloman's subordinates.

While it pains us to say this, this misguided prosecution from the outset gives the appearance that it may have been politically motivated. Mr. Epstein is a highly successful, self-made businessman and philanthropist who entered the public arena only by virtue of his close personal association with former President Bill Clinton. There is little doubt in our minds that the USAO never would have contemplated a prosecution in this case if Mr. Epstein were just another "John."

U.S. Attorney Acosta previously has stated that he is "sympathetic" to our federalism-related concerns, but he has taken the position that his authority is limited by enforcement policies set forth in Washington, D.C. As expressed in our prior communication to you, we believe that a complete and independent appraisal and resolution of this case most appropriately would be undertaken by your Office—beginning with the rescission of the arbitrary, unfair, and unprecedented deadline that Mr. Sloman demands to have imposed in this case. At the very least, we would appreciate a tolling of the arbitrary timeline imposed on our client by the USAO in order to allow time for your office to consider our request that you undertake a review of this case.

Thank you for your time and attention.

Respectfully submitted,



Kenneth W. Starr
Kirkland & Ellis LLP

Joe D. Whitley
Alston & Bird LL

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To:	*Company:*		*Fax #:*	*Direct #:*
Honorable Mark Filip	Office of the Deputy Attorney General United States Department of Justice		[redacted]	[redacted]
From:	*Date:*	*Pages w/cover:*	*Fax #:*	*Direct #:*
Kenneth W. Starr	May 27, 2008	3	[redacted]	[redacted]

Message:

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

Case No. 08-80736-CIV-MARRA/JOHNSON

JANE DOE #1 AND JANE DOE #2,

Plaintiffs,

vs.

UNITED STATES OF AMERICA,

Defendant.
_____/

REPLY IN SUPPORT OF MOTION
FOR LIMITED INTERVENTION BY ALAN M. DERSHOWITZ

Alan M. Dershowitz hereby replies in support of his Motion for Limited Intervention (DE 282). Prof. Dershowitz's only interest in joining this case is to strike the false, sensational and irrelevant allegations against him. In its response (DE 290), the government compellingly set forth the many reasons why Jane Does #3 and #4's request, filed over 6 years after the commencement of the CVRA case, should be denied. Jane Doe #3's false allegations against Prof. Dershowitz were not included in her statement to the government, were not made to the FBI when she was initially contacted by that agency, were not included in her civil action against Epstein in 2009, were not included in her recorded interview with her attorneys in 2011 and were not included in her interview with the British press in 2011. These allegations first appeared in Jane Doe #3's Motion for Joinder in December 2014 (DE 279), and therefore have absolutely no relevance as to whether there was a CVRA violation when Epstein and the government executed the Non-Prosecution Agreement in September 2007. The request for limited intervention was initiated to give Dershowitz a voice in the proceedings if and only if the Court allowed the

joinder of Jane Doe 3 and her untimely allegations to the underlying CVRA case. If the Court rejects the pending motion for joinder (DE 279), then the Court should strike the scurrilous allegations against Dershowitz, or, alternatively, determine the possible mootness of his Motion for Limited Intervention. Of course, if the Court strikes the allegations against him *sua sponte*, Prof. Dershowitz will withdraw his motion for limited intervention. However, if the Court grants Jane Does #3 and #4's motion for joinder, then Prof. Dershowitz's motion for limited intervention should be granted for such purposes as may be appropriate including submitting a motion to strike or other relief, so as to give him an opportunity to defend himself against these malicious and false allegations. In support of his Reply in Support of his Motion for Limited Intervention, Prof. Dershowitz states as follows:

Despite swearing under oath to her falsehoods about Prof. Dershowitz, Jane Doe #3 struggles to justify her defamations as having any relevance to the issues in this proceeding. Her Response to Prof. Dershowitz's Motion for Limited Intervention (DE 291) (herein "Response") offers no legitimate reason for defaming Prof. Dershowitz in her Joinder Motion, and she has no right to continue to do so in this Court. Strikingly, the Response does not explain why Jane Doe #3, with an obvious financial motive for fabrication of salacious accusations, waited almost seven years to lob a stink bomb into a proceeding in which she has no right to participate. The Response does not account for why Jane Doe #3 never once asserted her accusations about Prof. Dershowitz until a month ago, even though the alleged transgressions supposedly occurred some fifteen years ago. Although neither Jane Doe #3 nor anyone else had previously asserted any improper sexual contact with Prof. Dershowitz, now Jane Doe #3 cynically exploits the yoke of victimhood to victimize others.

HOUSE_OVERSIGHT_010736

At bottom, Jane Doe #3's Response is nothing but a paper-thin pastiche of conspiracy theory and outright misrepresentation that crumbles upon examination. Invocations of the Fifth Amendment by nonparty witnesses in response to innocuous questions about Prof. Dershowitz are said to take on a "sinister cast"; yet these same witnesses invoked their right against self-incrimination to almost every question asked of them, including their parents' names. Prof. Dershowitz, as Epstein's former legal counsel, is one of hundreds of people listed in an address book purloined by Jeffrey Epstein's criminal butler; yet because Prof. Dershowitz's name is circled in the address book by an unknown person for unknown reasons, the argument is made that Prof. Dershowitz must have sexually abused a minor. The record shows that while Prof. Dershowitz and Jane Doe #3 are both separately mentioned in the flight logs of Mr. Epstein's private plane, they are never listed on the same flight. Plaintiffs, in turn, falsely claim that somehow Prof. Dershowitz single-handedly orchestrated the destruction of logs without any evidence of ability or possibility to do so. The increasingly unfounded accusations and insults are both sad and irresponsible.

It is precisely this toxic mix of irrelevancy, malicious falsehood, and empty accusation that justifies Prof. Dershowitz's intervention to, at least, strike the allegations against him. Jane Doe #3 never had any need to drag Prof. Dershowitz into this action besides to wrongfully use his good name and international stature to stir up media interest in her filing. This is impertinence, plain and simple, and it has no place in this Court. Prof. Dershowitz therefore urges the Court to either allow him to intervene to strike Jane Doe #3's defamatory allegations or deny Jane Doe #3's Joinder Motion so she is no longer afforded the ability to use the docket of this Court to defame others without being held accountable and strike these allegations from the record.

HOUSE_OVERSIGHT_010737

I. Jane Doe #3's Continued Smears of Prof. Dershowitz Demonstrate His Need to Intervene

Jane Doe #3 and her counsel's actions over the past month have confirmed that Prof. Dershowitz's request for intervention stands upon dramatically different circumstances than other intervention motions in this case, or any other case for that matter. Simply put, the scope and tenor of their attacks against Prof. Dershowitz differ both in degree and in kind from other reputational muggings conducted in the case before this Court. Nor is there a single reported decision in federal case law in which the vitriol, severity, and length of the attacks against a nonparty approach those levelled against Prof. Dershowitz here. What has become further apparent is that if Jane Doe #3's Motion for Joinder is granted and Prof. Dershowitz is not allowed to intervene, Jane Doe #3 and her counsel will proceed with their attacks against him, all the more emboldened with complete impunity.

While Jane Doe #3 asks to "prove" her allegations against Prof. Dershowitz, she argues paradoxically that he does not have "any direct interest" in defending these allegations. Instead, she directs Prof. Dershowitz to defend the allegations that she makes in a contrived lawsuit filed by her attorneys against him in Broward County Circuit Court for defamation of them. Moreover, the law cited by Prof. Dershowitz, including the *Sackman* and *Penthouse* cases, demonstrates a need and entitlement to intervene to vindicate his legitimate reputational interest that no other party is situated to protect. "The individual's right to the protection of his own good name reflects no more than our basic concept of essential dignity and worth of every human being – a concept at the root of any decent system of ordered liberty…" *Krauser v. Evolution Holdings, Inc.*, 975 F.Supp. 2d 1247, 1260 (S.D. Fla. 2013); quoting *Spencer v. Kemna*, 523 U.S. 1, 24 n. 5 (1998) (Stevens, J., dissenting).

In an effort to cite contrary law to the Court, Jane Doe #3's Response takes remarkable liberties in describing what is claimed to be the law to Court. For example, the Response quotes *Calloway v. Westinghouse Elec. Corp.*, 115 F.R.D. 73, 74 (M.D. Ga. 1987) for the proposition that "a witness' interest in his reputation alone . . . does not constitute the required 'interest relating to the property or transaction which is the subject of the present action' necessary to allow intervention as a matter of right." Yet what is excised from that quote through the ellipses is the most crucial part of the case: "following a finding by a court that he is not credible." *Calloway* actually stands for the proposition that a witness cannot intervene in a case as of right if the Court has found him not credible in one of its orders. This finding has never been made as to Prof. Dershowitz either in this Court, or in hundreds of others in which he has appeared.

II. Jane Doe #3's Lies About Prof. Dershowitz Are Wholly Irrelevant to This Action

Meanwhile, Jane Doe #3 fails to come up with a single credible reason for naming Prof. Dershowitz in her Joinder Motion. First, she claims she needed to drag Prof. Dershowitz's name through the mud to prove that Jane Doe #3 was a victim of sexual abuse by Jeffrey Epstein. Yet, in her Joinder Motion, she states that "[t]he Government was well aware of Jane Doe #3 when it was negotiating the NPA, as it listed her as a victim in the attachment to the NPA." (DE 279 at 6.) If she was already listed as a victim on the NPA, why would they need to prove that further by adding pages of scurrilous allegations against various individuals? And why did they have to mention Prof. Dershowitz by name, when elsewhere they claim that "numerous prominent" individuals also allegedly committed sexual abuse, but keep those alleged figures anonymous? The bad faith against Prof. Dershowitz is apparent[1].

[1] Similarly, Jane Doe #3's allegations that she named Prince Andrew because of outstanding

Second, Jane Doe #3 claims that she needed to defame Prof. Dershowitz and others in the Joinder Motion because of discovery disputes between the government and Jane Doe #1 and Jane Doe #2. This does not even make sense, legally or factually. Jane Doe #3's right to join in this case has nothing to do with Jane Doe #1 and Jane Doe #2's entitlement to documents in discovery. In fact, the discovery requests that Jane Doe #3 cites to in her Response as purported cover for their sliming of Prof Dershowitz show that their argument is factually bogus. Prof. Dershowitz is mentioned in only two of twenty-five requests for production propounded by Jane Doe #1 and Jane Doe #2. (*See* Jane Doe #1 and Jane Doe #2's First Request for Production to the Government Regarding Information Relevant to Their Pending Action Concern [sic] the Crime Victims Act, at DE 225-1 at 26-38.) Both requests, nos. 8 and 21 seek his communications with the government in his role as Mr. Epstein's defense attorney. There is no issue of complicity or knowledge in any misconduct. Moreover, a fact conveniently omitted by Jane Doe #3 is that Prof. Dershowitz is one of eleven lawyers whose communications Jane Doe #1 and Jane Doe #2 sought in the requests for production. As the Court knows, Prof. Dershowitz had no material connection to this case—as to the merits or as to discovery—before he was dragged in by Jane Doe #3.

Third, Jane Doe #3 claims that the smears against Prof. Dershowitz are relevant to show that Prof. Dershowitz had a motive to negotiate "confidentiality" and "blank check" provisions

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discovery requests regarding her belief that Prince Andrew was somehow involved in "lobbying efforts to persuade the Government to give him a more favorable plea arrangement," and because her allegations against Prince Andrews occurred in London, therefore "affect[ing] foreign commerce" are patently absurd. (DE 291 at 20 and 18, fn. 10.) Because Jane Doe #3's other allegations are replete with allegations of interstate activity and because implications of Prince Andrew's involvement in "lobbying" for the NPA are entirely nonsensical, it is obvious that the inclusion of claims against Prince Andrew were included solely for their intended audience: the media.

into the NPA entered into between the government and Mr. Epstein. Again, this argument makes no sense in the context of this case.[2] The inclusion of certain provisions in the agreement simply has nothing to do with whether the government complied with its obligations under the Crime Victims' Rights Act ("CVRA"). If anything, it is the government's motive that would be at issue—although even that point is doubtful—not the defense attorneys'. Moreover, because the first time Jane Doe #3 made these contemptible allegations against Prof. Dershowitz was in her Motion for Joinder in December 2014, those allegations are irrelevant as to the inquiry of whether Jane Doe #3's rights under the CVRA were violated at the time the NPA was entered. The government confirms that when Jane Doe #3 was contacted by the FBI about this investigation, she clearly "stated that she did not want to be involved in the federal investigation." (DE 290 at 6.) She was not "kept in the dark" as she alleges in her Response. (DE 291 at 25.) Instead, she apparently chose to stay in the dark. Moreover, she did not make any allegations against Prof. Dershowitz at the time the NPA was entered, nor did she made any allegations against Prof. Dershowitz in her action for civil damages in 2009, nor did she make any allegations against Prof. Dershowitz in her tape recorded interview with her attorney in 2011, nor did she make any allegations against Prof. Dershowitz in her interview with the British press in 2011. The first time these allegations surfaced were in connection with Jane Doe #3's Motion for Joinder in this action. The allegations have absolutely no relevance to the underlying issue of whether Jane Doe #3 was "treated with fairness" when the NPA was entered, as the allegations against Prof. Dershowitz did not surface until approximately eight years later.

[2] Prof. Dershowitz, along with many other lawyers, was involved in negotiating the plea bargain under which Epstein agreed to plead guilty to State charges in exchange for an agreement not to prosecute him federally. However, he was not involved in drafting the text of the NPA. In fact, two other lawyers did the drafting.

Moreover, if the government had any reason to believe that Prof. Dershowitz was involved in any criminal activity they would have immediately demanded his recusal rather than continuing to work with him as one of Epstein's attorneys in negotiating a plea bargain.

Fourth, Jane Doe #3 then makes the facially absurd and libelous claim that somehow Prof. Dershowitz must have drafted and benefited from the "co-conspirators" clause of the NPA. But the link between the need to include these allegations and their ability to rescind the "co-conspirators" clause goes completely unexplained. The allegations are completely gratuitous, as there is no such link. No such claim existed until fabricated by Jane Doe #3 many years after the NPA was signed and fully performed. Additionally, as stated in Prof. Dershowitz's Supplement to his Motion for Limited Intervention, this "co-conspirator" provision "was intended to apply to four alleged co-conspirators, who were named in the original NPA and later redacted at their request…. Alan Dershowitz was never alleged to be a potential co-conspirator." (DE 285 at 4[3].)

Incredibly, Jane Doe #3's counsel, Bradley Edwards, agreed with this reading of the NPA in his Statement of Undisputed Fact during his own personal lawsuit against Jeffrey Epstein (*Jeffrey Epstein v. Scott Rothstein and Bradley J. Edwards*, lawsuit (Case no. 502009-CA-040800)) in Palm Beach County Circuit Court. There, Edwards explained that these co-conspirators were certain individuals who "procured minor females to be molested by Epstein." (DE 291-15 at ¶ 27.) Only now, when convenient as a way to try to justify allegations against Prof. Dershowitz does Edwards argue (on behalf of Jane Doe #3) that the "co-conspirator" provision was actually intended to protect Prof. Dershowitz.

[3] Moreover, it is unlikely that anyone who had sexual contact with Jane Doe #3, or any other minor involved in the Epstein case, would be considered to be a "co-conspirator." Instead those individuals would be substantive perpetrators, not covered by the agreement.

Fifth, Jane Doe #3 claims that she needed to include Prof. Dershowitz in her filing because her CVRA claim of "unfair" treatment "implicates a fact-sensitive equitable defense which must be considered in the factual context of the entire interface between Epstein, the relevant prosecutorial authorities and the federal offense victims." The "facts" to which this "defense" is sensitive, even if Jane Doe #3 is allowed to intervene, are the interactions between the prosecutors and Jane Doe #3, and not anything pertinent to Prof. Dershowitz personally. Nor are attorney-client communications between Epstein and his counsel at issue, or the proper subject of discovery in this action under any scenario.

III. Jane Doe #3's Efforts to Bolster Her Lies About Prof. Dershowitz Are Remarkably Thin

Setting aside the utter irrelevancy of the allegations against Prof. Dershowitz, having created an international imbroglio by their ill-conceived libels of Prof. Dershowitz, one would expect that Jane Doe #3 would be able to muster at least some credible support for their allegations. Yet the two "incontestable" facts she leads with in support of her claim that Prof. Dershowitz is a serial sex abuser are (1) that Mr. Epstein and Prof. Dershowitz were friends; and (2) Prof. Dershowitz visited Mr. Epstein's house. Of course, these supposedly "incontestable" facts are evidence of nothing.

In the affidavit she submitted to this court, Jane Doe #3's lack of credibility is readily apparent. She has now sworn under oath, repeating a fragrant lie that she had previously sold to a British newspaper: namely that "former President Bill Clinton was present on the island [Jeffrey Epstein's private island] at a time when [Jane Doe #3] was also present on the island." (DE 291-1 at ¶ 53.) In this easily discredited fabrication[4], Jane Doe #3 expounded in imaginative

[4] The name of the publication is intentionally omitted as Jane Doe # 3 reveals her identity

detail about her fictional meeting with former President Clinton, providing an elaborate description about how Mr. Clinton and his secret service detail somehow allowed Ghislaine Maxwell, then a novice helicopter pilot, to fly all of them to Jeffrey's Epstein's private island on Epstein's black helicopter, as well as details about the specific place at the dinner table at which she and Mr. Clinton were seated[5]. *Id.* Jane Doe #3 also gave this British newspaper an account of yet another fictional meeting on the same island, but this time with former vice president Gore and his then wife, Tipper, providing specific details purportedly to enhance the value of her fictional story: "The Gores seemed like a beautiful couple when I met them… Jeffrey [Epstein] didn't ask me to give him a massage… I was planning on voting for him when I turned 18. I thought he was awesome." On information and belief, Prof. Dershowitz represents to the Court

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therein. A copy of the publication, or a link to the article, will be provided to the Court at the Court's request.

[5] The article states, in relevant part: "On one occasion,[Jane Doe #3] adds, Epstein did invite two young brunettes to a dinner which he gave on his Caribbean island for Mr. Clinton shortly after he left office. But, as far as she knows, the ex-President did not take the bait. "'I'd have been about 17 at the time,' [Jane Doe #3] says. 'I flew to the Caribbean with Jeffrey and then Ghislaine Maxwell went to pick up Bill [Clinton] in a huge black helicopter that Jeffrey had bought her. She'd always wanted to fly and Jeffrey paid for her to take lessons, and I remember she was very excited because she got her licence around the first year we met. I used to get frightened flying with her but Bill had the Secret Service with him and I remember him talking about what a good job she did. I only ever met Bill twice but Jeffrey had told me that they were good friends. I asked, 'How come?' and he laughed and said, 'He owes me some favours.' Maybe he was just joking but it constantly surprised me that people with as much to lose as Bill and [Prince] Andrew weren't more careful. Bill must have known about Jeffrey's girls… We all dined together that night. Jeffrey was at the head of the table. Bill was at his left. I sat across from him. [], Ghislaine's bonde British assistant, sat at my right. Ghislaine was at Bill's left and at the left of Ghislaine there were two olive-skinned brunettes who'd flown with us from New York. I'd never met them before. I'd say they were no older than 17, very innocent-looking… Maybe Jeffrey thought they would entertain Bill, but I saw no evidence that he was interested in them. He and Jeffrey and Ghislaine seemed to have a very good relationship. Bill was very funny. He made me laugh a few times. And he and Jeffrey Ghislaine told blokey jokes and the brunettes listed politely and giggled. After dinner I gave Jeffrey an erotic massage. I don't remember seeing Bill again on the trip but I assume Ghislaine flew him back.'"

that evidence will show that former president Clinton, former vice president Al Gore, and Tipper Gore never set foot on Epstein's private island, and that in all events Jane Doe #3's detailed accounts are not merely preposterous on their face but in fact entirely false and her sworn statement to this court is perjurious.

Indeed, while the points raised above show a complete lack of investigation into the credibility of the woman making these scurrilous allegations[6], what is most remarkable about Jane Doe #3's Response is what it omits. Approximately six years ago, Jane Doe #3 took advantage of the NPA's provisions, sued Mr. Epstein and received a monetary settlement. Ironically, Jane Doe #3 now seeks to overturn the very NPA which required Epstein to waive his right to contest liability by moving to join the instant action which seeks to rescind that very agreement.

Yet, she apparently never once mentioned Prof. Dershowitz's now supposedly systematic sexual abuse of her to the prosecutors or to her own lawyer. No explanation is given for this monumental inconsistency. Nor, despite his supposed status as a co-conspirator in a scheme to cover up an underage sex abuse ring, is there any explanation given for the fact that Prof. Dershowitz was never even investigated—or even mentioned—as a potential suspect. Meanwhile the present case has been proceeding for the last six and a half years, but no explanation has been given for the timing of Jane Doe #3's effort to join this case only last month.

[6] Prof. Dershowitz reserves the right to promptly file a succinct supplement to this Reply brief with information which he is in the process of confirming presently.

IV. Prof. Dershowitz Immediately Responded to Jane Doe #3's Allegations Against Him by Asking to Defend his Reputation

Jane Doe #3 also argues that Prof. Dershowitz should not be allowed to intervene because "he has declined to defend his reputation in other actions." (DE 279, at 12.) This is demonstrably false. It is without question that the Motion for Joinder filed by Jane Doe #3 on December 30, 2014 (DE 279) was the ***first time*** anyone has ***ever*** alleged that Prof. Dershowitz had any sexual contact with a minor. It necessarily follows that this is the ***first opportunity*** Prof. Dershowitz has had to defend his reputation related to "his involvement in Epstein's offenses." In fact, just six days after these venomous allegations were made, Prof. Dershowitz filed his Motion for Limited Intervention. (DE 282.)

More specifically, Jane Doe #3 argues that when the civil lawsuit was brought by "one of the underage females" against Epstein in 2009 (*Doe v. Epstein*, No. 9:08-80893-KAM (S.D. Fla.), "Dershowitz understood that counsel for many of Epstein's victims believed that mounting evidence pointed toward his role extending beyond merely being an attorney for Epstein." (DE 279 at 13.) This, too, is demonstrably false. Despite this rank and self-serving speculation about what Prof. Dershowitz "understood," there is not one piece of evidence which points to any allegations that he engaged in any sexual contact with any minor, or even observed any criminal activity, prior to the December 30, 2014 Motion for Joinder. Instead, the deposition testimony which Jane Doe #3 points to simply states that Prof. Dershowitz visited Epstein's home (Deposition Testimony of Alfredo Rodriguez at 199, 278, 279, DE 291-18, herein, "Rodriguez Depo. Tr.") Rodriguez specifically testified that he has ***no idea whether Prof. Dershowitz had any contact at all with any female***.

> Q. And did you have any knowledge of why [Dershowitz] was visiting there?
> A. No ma'am.
> …
> Q. And do you have any idea whether or not Mr. Dershowitz was also receiving massages?
> A. I don't know, Ma'am.
> …
> Q. As to whether any of those women were ever associated with Mr. Dershowitz would it be a correct statement that you have absolutely no knowledge?
> A. I don't know, sir.
> …
> Q. Okay. Were you in any way attempting in your response to Ms. Ezell to imply that Mr. Dershowitz had a massage by one of these young ladies?
> A. I don't know, sir.
>
> Q. You have no knowledge?
> A. No, sir.

(Rodriguez Depo. Tr. at 279, 280, 385, 386.) To be sure, Rodriguez does testify that Prof. Dershowtiz was at Epstein's home when young females were present at the home – an allegation which Dershowitz strenuously denies. However, ***Rodriguez did not testify that Prof. Dershowitz saw, interacted with, or touched any of these females***. Instead, when asked what Prof. Dershowitz did "while those girls were at the house," Rodriguez answered "He will read a book with a glass of wine by the pool, stay inside." (Id. at 426, 427.) When asked if Prof. Dershowitz ever even spoke to any of the girls, or "even knew that they were there" Rodriguez answered "I don't know." (Id. at 427.) This is consistent with the fact that Epstein's home is very large and has separate closed-off quarters where Epstein resided. Prof. Dershowitz never stepped into these private quarters.

Jane Doe #3 also relies upon the September 8, 2009 deposition testimony of Mr. Juan Alessi to "corroborate" Jane Doe #3's sensational and false allegations regarding Prof. Dershowitz. However, a more complete examination of that testimony reveals that ***Alessi did not make any allegations of any wrong doing by Dershowitz***. (See, DE 291-17, hereinafter

"Alessi Depo. Tr.") Alessi testified that he saw "many celebrities" at the house… [including] a very famous lawyer[] that I'm sure you know, Alan Dershowitz, who spend [sic] at the house a couple times." (Alessi Depo. Tr. 70, 71.) However, Alessi made no allegations of improprieties against any of these individuals. Jane Doe #3 asks the Court to infer that because Prof. Dershowitz was at his client's home, he must have participated in nefarious activities. In fact, Prof. Dershowitz's friendship with Epstein consisted of the exchange of academic and intellectual ideas. At most, Alessi testified that Prof. Dershowitz visited Epstein's home and received a massage from an adult massage therapist, which "was a treat for everybody" at the Epstein home. (Id. at 74) ("Q. Did [Dershowitz] have massages sometimes when he was there? A. Yes. A massage was like a treat for everybody. If they want it, we call the massage and they have a massage.") Alessi explains that he was referring to massages performed by adult massage therapists. (Id. at 184) ("Q. All right. And if I understood your testimony is, the ones the – that is, of the massage therapists as you've just described [a hundred, 200 different massage therapists], you saw some men? A. Yes. Q. You saw more women? A. Yes. Q. ***And all of the women, at least from your viewpoint, were 18, 19 or older? A. Yes.***")[7]

Messrs. Alessi and Rodriguez did not allege that Prof. Dershowitz received a massage from any underage females, had any physical contact whatsoever with any underage females, or witnessed anyone engaging in any inappropriate behavior with any underage females. Additionally, despite their allegations to the contrary, it is clear that previous testimony from Rodriguez and Alessi does not corroborate Jane Doe #3's baseless and utterly false affidavit. (DE 291-1.)

[7] In fact, the only massage Prof. Dershowitz ever received at any of Epstein's homes was from a professional massage therapist who was in her 30's or 40s.

Next, Jane Doe #3 claims that Prof. Dershowitz declined to defend his reputation in the *Edwards v. Epstein* lawsuit (Case no. 502009-CA-040800) in Palm Beach County Circuit Court. (Opp. to Mtn. to Intervene at 13.) In support of this allegation, Jane Doe #3 argues that her attorney in the instant matter, Bradley Edwards (through his attorney Jack Scarola) contacted Prof. Dershowitz to seek his voluntary cooperation in answering questions about Prof. Dershowitz's client, Jeffrey Epstein's conduct. Prof. Dershowitz responded by letter stating

> As you may know, I was Jeffrey Epstein's attorney when he submitted his guilty plea. Accordingly, "any knowledge" I may have in connection with that plea is privileged information. If you would let me know what non-privileged information you would seek from me, I would then be able to decide whether to cooperate.

(DE 291-11.) Dershowitz sent a second letter on or about August 29, 2011 explaining that he has "never personally observed Jeffrey Epstein in the presence of underage females," and asking Edwards' attorney to provide him with any alleged basis for his unfounded belief. Edwards' attorney responded by stating that based on "sworn testimony and private interviews" he had "placed [Dershowitz] in the presence of Jeffrey Epstein on multiple occasions… when Jeffrey Epstein was in the company of underage females subsequently identified as victims." (DE 291 at 13, 14.) Again, no allegations were made at that time by Edwards' attorney, or by anyone else, that Prof. Dershowitz engaged in any inappropriate conduct or witnessed any inappropriate conduct related to Jeffrey Epstein and underage females. Instead, Edwards was incorrectly seeking Prof. Dershowitz's cooperation for a civil suit between Dershowitz's client, Jeffrey Epstein, and Edwards himself. Remarkably, because Prof. Dershowitz did not agree to compromise his ethical obligations to his client, by voluntarily cooperating with Epstein's

adversaries, Jane Doe #3 argues that Prof. Dershowitz should not be allowed to intervene in this action[8].

It is clear from the record, however, that Prof. Dershowitz acted immediately to defend himself the first time he was made aware of any such allegations against him. In fact, just six days after Jane Doe #3 filed her Motion for Joinder, which included vicious allegations against him, Prof. Dershowitz filed his Motion for Limited Intervention. (DE 282.) Accordingly, Prof. Dershowitz should be permitted to intervene for the limited purposes of moving to strike these outrageous and impertinent allegations.

V. Jane Doe #3's Reliance on Other's Invocation of the Fifth Amendment is Improper and Wholly Unpersuasive

Without a shred of physical evidence or witness corroboration for Jane Doe #3's fantasies, she relies on invocations of the Fifth Amendment by Epstein as supportive of an adverse inference as to Prof. Dershowitz. Given that Epstein was taking the Fifth Amendment on virtually all questions, and would have responded in the same way had the opposite questions been asked, there is no inference against Prof. Dershowitz to be made from the invocation of the Fifth Amendment by Epstein[9]. Epstein's interest – in declining to answer any questions whatsoever – was his own personal interest and not that of his lawyers, and lacks even minimal relevance. *Coquina Investments v. TD Bank, N.A.,* 760 F.3d 1300, 1310-11 (11th Cir. 2014)(adverse inferences from the fifth amendment invocation by third parties allowed only

[8] Jane Doe #3's argument that he has not yet scheduled his deposition in this case, or the recently filed defamation action, is of no moment. At the appropriate time, Prof. Dershowitz will of course, appear for his deposition and testify that Jane Doe #3's allegations as to him are entirely false. This, however, has no bearing as to whether the Court should permit the limited intervention Prof. Dershowitz seeks.

[9] Had Epstein been asked about anyone – from leading government officials to members of the clergy – he would have similarly invoked the Fifth Amendment.

where inference is "trustworthy under all of the circumstances" including relationship, shared interest and control); *Kontos v. Kontos,* 968 F.Supp. 400, 407-408 (1997) (no adverse inference allowed from invocation of Fifth Amendment by sister of civil defendant in absence of "identity of interests"); *Sebastian v. City of Chicago,* 2008 WL 2875255 *33-34 (N.D. Ill. 2008)(no adverse inference from invocation of Fifth Amendment in absence of close family or business relationship). Similarly, any other witnesses taking the Fifth Amendment and remaining silent to protect themselves are obviously not creating any kind of evidence against Prof. Dershowitz. *See*, *Coquina Investments*, 760 F.3d at 1310 (11th Cir. 2014).

Conclusion

In conclusion, Prof. Dershowitz has no interest in joining this case other than to strike the scurrilous and irrelevant allegations against him. If the Court grants Jane Does #3 and #4 motion for joinder (DE 279), then Prof. Dershowitz's motion for limited intervention should be granted for such purposes as may be appropriate including submitting a motion to strike or other relief, so as to give him an opportunity to defend himself against harmful, defamatory and false allegations of the worse kind. If the Court rejects the pending motion for joinder, then the Court should strike the scurrilous allegations against Dershowitz, or, alternatively, determine the possible mootness of his Motion for Limited Intervention. Of course, if the Court strikes the allegations against him *sua sponte*, Prof. Dershowitz will withdraw his motion for limited intervention.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing was served by Notice of Electronic Filing generated by CM/ECF, on this 2nd day of February, 2015, on all counsel or parties of record on the Service List below.

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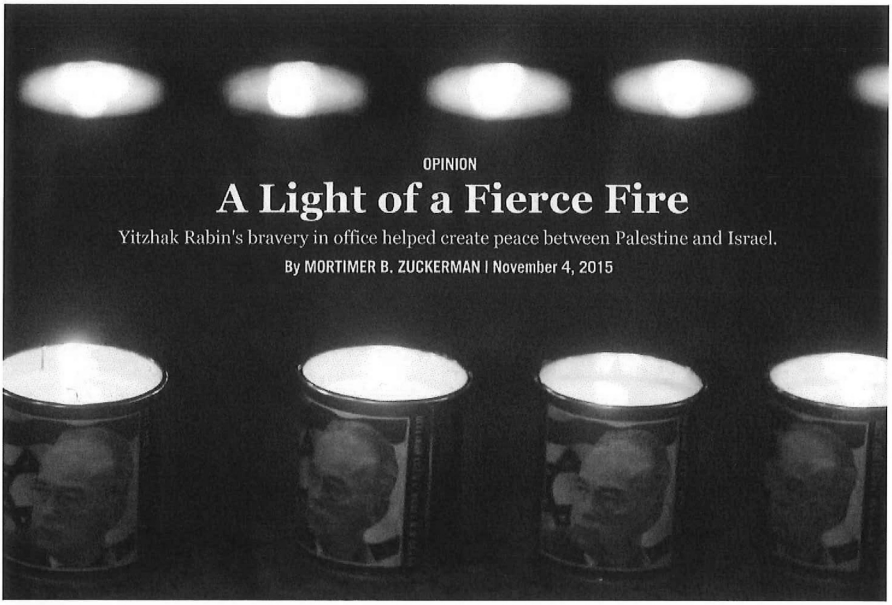

OPINION

A Light of a Fierce Fire

Yitzhak Rabin's bravery in office helped create peace between Palestine and Israel.

By MORTIMER B. ZUCKERMAN | November 4, 2015

By Mortimer B. Zuckerman

Mortimer Zuckerman is the chairman and editor-in-chief of U.S. News & World Report and the publisher of the New York Daily News.

Editor's note: This editorial originally appeared in the November 20, 1995 issue of U.S. News & World Report.

The poet was once asked, "If your house was burning and you could save only one thing, what would you save?" The poet answered, "I would save the fire, for without the fire we are nothing."

It was Yitzhak Rabin's destiny not to be saved from the frenzy of a madman. But bullets cannot so easily extinguish what Rabin's bravery and vision ignited, the fire of Israel's commitment to peace. He might so easily have died in the din of battle, this man who made war when he had to. But he died instead amid the clamor of peace, with the acclaim of a mass peace rally of Israelis still in the air and still in his mind. It would be his last wish that the flame of peace, for which he gave his life, should not be dimmed by anger and despair. His state funeral, for all its sadness, was inspiring as an occasion for the vindication of his hopes, for a new dedication to Israel's security from America and for a demonstration of goodwill by some former Arab enemies.

[**SEE:** Editorial Cartoons on the Middle East]

President Clinton led a bipartisan delegation that included the congressional Republican leadership, former President Bush and former Secretary of State George Shultz. It was more than a respectful gesture of protocol. This was a statement of emotional and psychological support from the most powerful nation in the world to a small, isolated country, living in a perilous neighborhood and in a time of great national trauma: We do more than share your grief, we understand your fears; we will not desert you as you have so many

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times in your history been deserted. All Americans could take pride in President Clinton's splendid eulogy; in the uniqueness of America's compassion and friendship that extended beyond a calculation of narrow national interest; in the honor of the hand outstretched at a time of need to an ally and friend. The president rose to the moment. The hundreds of thousands of people who lined the roadside and saw the American delegation were clearly moved.

Of equal significance was the roll call of certain Arab countries (excluding Saudi Arabia) and especially the emotional speech of King Hussein of Jordan. His words referring to Yitzhak and Leah Rabin as "my brother" and "my sister," which Muslims usually reserve for one another, and the tears shed by both the king and his queen, made a deep impression on the Israelis for their humanity and ability to overcome the past. Here, clearly, were keepers of Rabin's flame of peace, continuing a line that began with Egypt's late president Anwar Sadat.

He alone, at the time, had the capacity to persuade the divided and wary Israelis to accept a compromise.

It is hard for outsiders to appreciate the effect on Israelis of the worldwide outpouring of sympathy and condolence, with some 80 nations represented at the funeral. The Israelis are a traumatized people. They have for so long been alone, so long believed they could not rely on anyone but themselves, so long expected the world to stay silent in their times of trouble. The extensive response resonates for a people who remember how the world closed its doors to millions of Jews in the 1930s. Their deaths in the Holocaust were but an obscene multiple of the deaths endured in the crusades and pogroms of earlier centuries when the Jews were betrayed by those who had the power to save them.

Israel was to be the end of that vulnerable status of perpetual minority, an end to exile and alienation, and a beginning of a normal and natural form of national existence. Israel was home, the new home in the old country, proclaiming that the Jews had formed a self-reliant community and did not need others to fight their battles for them. Now they had their future defined by their own family; the farmer, the kibbutznik, the jet pilot, the shopkeeper, the schoolteacher could coalesce with a traditional language, with their own bible, their own culture. This self-reliance is a matter of great pride. Jews could look after their own family. When the Jews were kidnapped in Entebbe, Uganda, it was the Israelis who took care of it. A Jewish majority could eliminate Jewish vulnerability, and with their own state, the Israelis could, they thought, be like all other nations and like everyone else. The passion for wanting to be normal extended to the notion that to be accepted, Jews did not have to justify themselves by winning the Moral Man of the Year Award every year -- at the cost of their own survival. To be 10 percent more moral than other nations would make them a light unto the world; if they were expected to be 50 percent more moral, they would be dead.

[**READ:** One State Over the Status Quo]

And yet Israel cannot be just another secular country. This very land forces the Jews into a dialogue with their religious past. The land was defined through religion, through the divine promise to Abraham, the covenant with the Father and the covenant with the people of Israel. For many religious Zionists, the victory of the Six-Day War, and the subsequent opening to resettlement of the greater land of Israel, were clear signs that God was guiding the secular Zionist revolution toward the ultimate realization of the prophetic vision of history. That is why, for some religious Jews, admitting the existence of a Palestinian nation whose homeland is the Holy Land is tantamount to violating the integrity of the Jewish people's covenantal identity. But the Jews faced a dilemma. They had come home to find peace and safety, only to find that their neighbors also claimed this tiny piece of land as their home. Even worse, how do you share a home with someone who says: "You have no right to be here"?

It is the great contribution of Yitzhak Rabin that has brought a moral answer to this dilemma. There are those Israelis who emphasize self-reliance and remember Rabbi Hillel's saying, "If I am not for myself, who is for me?" Rabin understood Rabbi Hillel had a second part: "When I am for myself, what am I?" He saw that the Jews could not control 2 million Arabs without frequent resort to a violence that would erode the moral and Jewish character of the state and, with that, its support in the world. He sought a new definition of Israeli strength and normalcy that incorporated not just military power but also moral and economic fortitude. He decided to end the Israeli occupation of Palestine and any pretense that Israel could become a

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binational state in which one people ruled another.

He was uniquely qualified for this adventure. Those to his political right had the strength but not the will to take a calculated risk for peace. Those to his political left had the will but not the strength. He alone, at the time, had the capacity to persuade the divided and wary Israelis to accept a compromise arrangement with the Palestine Liberation Organization that held great promise for peace but also great risk. But the risk was seen as a risk from the Arabs, not the risk of Jew killing Jew. What the right-wing fanatics were blind to is that their murderous intransigence threatened the state that gave them succor and its necessary acceptance by the world. Without the flame of peace, they would have nothing but bloodshed threatening every Israeli's personal security.

[**ZUCKERMAN:** The Palestinians' Lies Are Fueling the Violence]

The debate over security in Israel is different from the quarrel with the extremists. Many moderate people all across Israel are concerned about giving up land, because for years their leaders told them this land was essential to their national security. In Israel, security decisions are made in the context of the terrible reality that a single Israeli strategic blunder may mean not only military defeat but a genocidal threat to the very existence of the state – one that the world could not forestall, even if it were willing to. Many Israelis ask: Will the peace process be the beginning of a new future or the beginning of the end?

The Israelis are determined to avoid another genocide, this time in Israel. The decision to exchange lawfully captured territory for the promise of peace from those who have constantly threatened violence is fraught with unprecedented risk. Israel will not survive in this neighborhood by superior morality in the absence of superior real strength. Arab moderation is in direct proportion to Israeli strength. If the Arabs could defeat Israel, who could doubt that sooner or later they would try?

Can Shimon Peres, a durable politician less trusted by Israelis, lead the people in pursuit of Rabin's twin goals of peace and security? He is a consummate international diplomat and served with great distinction as prime minister a decade ago. His ardent desire for peace may be part of his problem, for many people believe he is too eager to cut a deal, too dovish and not skeptical enough about security issues, too wrapped up in his own ambitions. So his challenge is to relieve the worries of Israelis as well as meet the needs of the Palestinians.

In this effort, American support is crucial. Rabin said he was elected to take risks for peace. President Clinton said, "If that is your goal, I will do my best to minimize the risks you must take." That is the fire of friendship and support that will enable Israel to fulfill what Rabin so bravely began.

'Rabin, The Last Day': Venice Review
Inform

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IN THE CIRCUIT COURT OF THE SEVENTEENTH JUDICIAL CIRCUIT, IN AND FOR BROWARD COUNTY, FLORIDA

CASE NO.: CACE 15-000072

BRADLEY J. EDWARDS and PAUL G. CASSELL,

Plaintiffs,

vs.

ALAN M. DERSHOWITZ,

Defendant.
_____/

PLAINTIFFS/COUNTERCLAIM DEFENDANT EDWARDS AND CASSELL'S RESPONSE TO DERSHOWITZ'S MOTION TO DETERMINE CONFIDENTIALITY OF COURT RECORDS

Plaintiffs/Counterclaim Defendants Bradley J. Edwards and Paul G. Cassell, by and through their undersigned attorneys, hereby file this response to Dershowitz's Motion to Determine Confidentiality of Court Records. The records at issue are not confidential, and so the Court should deny Dershowitz's motion in its entirety.

The court records at issue are three court filings by attorneys Edwards and Cassell in which they recite their client's (Mr. Virginia Giuffre's) allegations that she was sexually abused by Dershowitz. These records are hardly "confidential" in this defamation case, where the parties have claims and counterclaims about these sexual abuse Allegations. Rather, these records are an important part of this case, since they not only support the conclusion that Dershowitz abused Ms. Giuffre, but also indisputably establish Edwards and Cassell's strong basis for filing the allegations on her behalf. Moreover, contrary to assertions made in Dershowitz's motion, these documents have never been found to be "confidential" by any other court. And Dershowitz has repeatedly referred to

these documents, not only in defamatory statements broadcast worldwide, but also in his pleadings before this Court and in recent depositions. Indeed, Dershowitz said in his media interviews that he wants "everything to be made public" and implied that Edwards and Cassell had something to hide. Accordingly, Dershowitz has failed to carry his heavy burden to justify sealing these presumptively-public documents.

I. DERSHOWITZ HAS NOT JUSTIFIED SEALING ALLEGED DEFAMATORY RECORDS THAT ARE INTEGRAL TO THIS DEFAMATION CASE.

In his motion, Dershowitz never recounts the heavy burden that he must carry to seal the records at issue. To be sure, Florida Rule of Judicial Administration 2.420 allows for the sealing of "confidential" materials. But the Rule begins by recounting the overarching principle that "[t]he public shall have access to all records of the judicial branch of government, except as provided below." Fla. R. Jud. Admin. 2.420(a). This rule is a codification of the Florida Supreme Court's admonition that a "a *strong presumption of openness* exists for all court proceedings. A trial is a public event, and the filed records of court proceedings are public records available for public examination." *Barron v. Florida Freedom Newspapers, Inc.*, 531 So.2d 113, 118 (Fla. 1988) (emphasis added). In light of this presumption of openness, "[t]he burden of proof in [closure] proceedings shall always be on the party seeking closure." *Id.* To obtain a sealing order, the party seeking sealing must carry a "heavy burden." *Id.*

Remarkably, Dershowitz fails to acknowledge these well-settled principles. More important, he even fails to cite (much less discuss) the limited substantive exceptions to this general principle of access – and which specific exception he believes applies to this

case. Accordingly, it is impossible for Edwards and Cassell to respond with precision to his motion.

The exceptions that might arguably be in play in this case permit records to be maintained as confidential in order to:

(i) Prevent a serious and imminent threat to the fair, impartial, and orderly administration of justice;
(ii) Protect trade secrets;
(iii) Protect a compelling governmental interest;
(iv) Obtain evidence to determine legal issues in a case;
(v) Avoid substantial injury to innocent third parties;
(vi) Avoid substantial injury to a party by disclosure of matters protected by a common law or privacy right not generally inherent in the specific type of proceeding sought to be closed;
(vii) Comply with established public policy set forth in the Florida or United States Constitution or statutes or Florida rules or case law . . . .

Fla. R. Jud. Admin. 2.420(c)(9) (codifying the holding in *Barron v. Florida Freedom Newspapers, Inc.*, 531 So.2d 113 (Fla. 1988)). The only exception that seems to even arguably apply here is exception vi, which itself specifically provides that confidentiality is appropriate only where disclosure is "*not generally inherent* in the specific type of proceeding sought to be closed" (emphasis added). Of course, this lawsuit is a defamation action – involving a defamation claim by Edwards and Cassell and a defamation counterclaim by Dershowitz. Disclosure, discussion, and debate about the defamatory statements at issue lies at the heart of the case. Accordingly, disclosure of these materials is "inherent" in the case itself. The principle that defamatory material in a defamation case cannot be sealed is recognized in *Carnegie v. Tedder*, 698 So.2d 1310 (2d DCA 1997). *Carnegie* involved a claim and counterclaim between two parties (Carnegie and Tedder), one of whom alleged that disclosure of

the materials in the records would be harmful to his professional reputation. *Carnegie* recited subsection vi's restriction on release of materials involving a privacy right, but noted that "statements Tedder alleged were defamatory and damaging were allegations in Carnegie's counterclaim for which she seeks damages. These matters were not peripheral to the lawsuit; they were inherent to it." *Id.* at 1312. Of course, exactly the same principle applies here: sexual abuse allegations filed by attorneys Edwards and Cassell for their client Ms. Virginia Giuffre are not peripheral to this lawsuit – they are inherent to it.

To see how "inherent" the sexual abuse allegations are to this lawsuit, the Court need look no further than Dershowitz's counterclaim in this case. Count I of Dershowitz's Counterclaim (styled as "False Allegations in the Joinder Motion") contends that Edwards and Cassell should pay him damages because they "filed a pleading in the Federal Action titled 'Jane Doe #3 and Jane Doe #4's Motion Pursuant to Rule 21 for Joinder in Action' . . . ." Dershowitz Counterclaim at ¶ 14. Dershowitz's Counterclaim then goes on to quote at length from the Joinder Motion. His counterclaim contains, for example, this paragraph recounting the allegations:

> The Joinder Motion then goes on to allege – without any supporting evidence – as follows:
>
> > One such powerful individual that Epstein forced then-minor Jane Doe #3 to have sexual relations with was former Harvard Law Professor Alan Dershowitz, a close friend of Epstein's and well-known criminal defense attorney. Epstein required Jane Doe #3 to have sexual relations with Dershowitz on numerous occasions while she was a minor, not only in Florida but also on private planes, in New York, New Mexico, and the U.S. Virgin

> Islands. In addition to being a participant in the abuse of Jane Doe #3 and other minors, Dershowitz was an eye-witness to the sexual abuse of many other minors by Epstein and several of Epstein's coconspirators. Dershowitz would later play a significant role in negotiating the [Non-Prosecution Agreement] on Epstein's behalf. Indeed, Dershowitz helped negotiate an agreement that provided immunity from federal prosecution in the Southern District of Florida not only to Epstein, but also to "any potential coconspirators of Epstein." Thus, Dershowitz helped negotiate an agreement with a provision that provided protection for himself against criminal prosecution in Florida for sexually abusing Jane Doe #3. Because this broad immunity wouldhave been controversial if disclosed, Dershowitz (along with other members of Epstein's defense team) and the Government tried to keep the immunity provision secret from all of Epstein's victims and the general public, even though such secrecy violated the Crime Victims' Rights Act.

Dershowitz Counterclaim at ¶ 15 (quoting Joinder Motion at 4).

Remarkably, having quoted at length from the Joinder Motion in his Counterclaim in this case, Dershowitz now seeks to have *that very same language* from the Joinder Motion deemed "confidential" and sealed. *Compare* Counterclaim at ¶15 (block quotation above) with Motion to Determine Confidentiality, Exhibit A at 4 (composite exhibit with proposed "confidential" document that includes paragraph beginning "[o]ne such powerful individual that Epstein forced then-minor Jane Doe #3 to have sexual relations with was former Harvard Law Professor Alan Dershowitz, a close friend of Epstein's . . . ."). Dershowitz cannot come before this Court and file a counterclaim seeking damages from Edwards and Cassell for alleged defamatory statements and then ask to have those very same statements placed under seal as "confidential." *See Barron v. Florida Freedom Newspapers*, 531 So.2d at 119 ("although generally protected by one's privacy right, medical reports and history are no longer protected

when the medical condition becomes an integral part of the civil proceeding, *particularly when the condition is asserted as an issue by the party seeking closure*" (emphasis added)).

II. JUDGE MARRA'S ORDER IN HIS CASE DOES NOT REQUIRE THAT THE RECORDS BE SEALED IN THIS CASE.

Dershowitz also appears to contend that Judge Marra's order striking some of the materials from the records at issue somehow requires that these stricken materials be kept confidential in this case. Dershowitz's argument misunderstands both the scope of Judge Marra's order and its effect in this case. His argument rests on a truncated – and misleading -- description of the events surrounding Judge Marra's ruling striking certain documents. A more complete description makes clear that Judge Marra has not determined the documents are somehow "confidential" even in the federal Crime Victims' Rights Act case – much less in this separate state defamation action.

Edwards and Cassell filed the federal case pro bono on behalf of two young women who were sexually abused as underage girls by Dershowitz's close personal friend – Jeffrey Epstein. In 2008, Edwards and Casell filed a petition to enforce the rights of "Jane Doe No. 1" and "Jane Doe No. 2" under the Crime Victims' Rights Act (CVRA), 18 U.S.C. § 3771, alleging that the Government had failed to provide them rights with regard to a plea arrangement it was pursuing with Epstein. *Jane Doe No. 1 and Jane Doe No. 2 v. United States*, No. 9:08-cv-80736 (S.D. Fla.). In the course of that case, on October 11, 2011, the victims filed discovery requests with the Government, including requests specifically seeking information about Dershowitz, Prince Andrew, and others. Further efforts from the Government to avoid any discovery

followed (*see generally* Docket Entry or "DE" 225-1 at 4-5), ultimately leading to a further Court ruling in June 2013 that the Government should produce documents. DE 189. The Government then produced about 1,500 pages of largely irrelevant materials to the victims (DE 225-1 at 5), while simultaneously submitting 14,825 pages of relevant materials under seal to the Court. The Government claimed that these pages were "privileged" for various reasons, attaching an abbreviated privilege log.

While these discovery issues were pending, in the summer of 2014, Edwards and Cassell, contacted Government counsel to request their agreement to add two additional victims to the case, including Ms. Virginia Giuffre (who was identified in court pleadings as "Jane Doe No. 3"). Edwards and Cassell sought to have her added to the case via stipulation, which would have avoided the need to include any detailed facts about her abuse. Weeks went by and the Government – as it had done on a similar request for a stipulation to add another victim – did not respond to counsel's request for a stipulation. Finally, on December 10, 2014, despite having had four months to provide a position, the Government responded by email to counsel that it was seeking more time, indicating that the Government understood that victims' counsel might need to file a motion with the court on the matter immediately. DE 291 at 3-5. Rather than file a motion immediately, victims' counsel waited and continued to press the Government for a stipulation. *See id.* at 5. Finally, on December 23, 2014 – more than four months after the initial request for a stipulated joinder into the case – the Government tersely indicated its objection, without indicating any reason: "Our position is that we oppose adding new petitioners at this stage of the litigation." *See* DE 291 at 5.

Because the Government now contested the joinder motion, Edwards and Cassell prepared a more detailed pleading explaining the justification for granting the motion. One week after receiving the Government's objection, on December 30, 2014, Ms. Giuffre (i.e., Jane Doe No. 3) and Jane Doe No. 4 filed a motion (and later a corrected motion) seeking to join the case. DE 279 and DE 280. (Note: DE 280 is the first of the three documents Dershowitz seeks to have declared "confidential" in this case.) Uncertain as to the basis for the Government's objection, the motion briefly proffered the circumstances that would qualify the two women as "victims" eligible to assert rights under the CVRA. *See* 18 U.S.C. 3771(e) (defining "crime victim" protected under the Act). With regard to Ms. Giuffre, the motion indicated that when she was a minor, Jeffrey Epstein had trafficked her to Dershowitz and Prince Andrew (among others) for sexual purposes. Jane Doe No. 3 stated that she was prepared to prove her proffer. *See* DE 280 at 3 ("If allowed to join this action, Jane Doe No. 3 would prove the following . . . . "). The motion also provided specific reasons why Jane Doe No. 3's participation was relevant to the case, including the pending discovery issues regarding Dershowitz and Prince Andrew. DE 280 at 9-10 (explaining several reasons participation of new victims was relevant to existing issues).

After the motion was filed, various news organizations published articles about it. Dershowitz also made numerous media statements about the filing, including calling Jane Doe No. 3 "a serial liar" who "has lied through her teeth about many world leaders." http://www.cnn.com/2015/01/06/us/dershowitz-sex-allegation/. Dershowitz also repeatedly called Edwards and Cassell "two sleazy, unprofessional, disbarable lawyers." *Id.* On

January 5, 2015, Dershowitz filed a motion to intervene to argue to have the allegations stricken. DE 282. Dershowitz also argued that Ms. Giuffre had not provided a sworn affidavit attesting to the truth of her allegations. On January 21, 2015, Edwards and Cassell filed a response for Ms. Giuffre and Jane Doe No. 4. DE 291. (Note: This is the second of the three documents Dershowitz seeks to have kept under seal here.) The response enumerated nine specific reasons why Ms. Giuffre's specific allegations against Dershowitz were relevant to the case, including the fact that Ms. Giuffre needed to establish that she was a "victim" in the case, that pending discovery requests concerning Dershowitz-specific documents were pending, and that Dershowitz's role as a defense attorney in the case was highly relevant to the motive for the Government and defense counsel to conceal the plea deal from the victims. DE 291 at 17-26 & n.17. The response included a detailed affidavit from Ms. Giuffre about the sexual abuse she had suffered from Epstein, Dershowitz, and other powerful persons. DE 291-1. On February 6, 2015, Edwards and Cassell filed a further pleading (and affidavit from Ms. Giuffre, *see* DE 291-1) in support of her motion to intervene. (Note: this affidavit is the third of the three documents Dershowitz seeks to have declared confidential.)

On April 7, 2015, Judge Marra denied Ms. Giuffre's motion to join the case. Judge Marra concluded that "at this juncture in the proceedings" details about the sexual abuse she had suffered was unnecessary to making a determination "of whether Jane Doe 3 and Jane Doe 4 should be permitted to join [the other victims'] claim that *the Government* violated their rights under the CVRA. The factual details regarding with whom and where the Jane Does engaged in sexual activities are impertinent to this central claim (i.e., that they were known victims of Mr.

Epstein and the Government owed them CVRA duties), especially considering that the details involve non-parties who are not related to the respondent Government." DE 324 at 5 (emphasis in original). While Judge Marra struck those allegations, he emphasized that "Jane Doe 3 is free to reassert these factual details through proper evidentiary proof, should [the victims] demonstrate a good faith basis for believing that such details are pertinent to a matter presented for the Court's consideration. Judge Marra then denied Ms. Giuffre's motion to join the case, but allowed her to participate as trial witness: "The necessary 'participation' of [Ms. Giuffre] . . . in this case can be satisfied by offering . . . properly supported – and relevant, admissible, and non-cumulative – testimony as needed, whether through testimony at trial . . . or affidavits supported in support [of] the relevancy of discovery requests." DE 324 at 8 (emphasis deleted). In a supplemental order, Judge Marra stated that the victims "may re-refile these documents omitting the stricken portions." DE 325. The victims have recently refiled the documents.

In light of this history, Dershowitz is flatly incorrect when he asserts that "Judge Marra's Order appropriately precludes the unredacted documents from being re-filed in this case on the public docket." Confidentiality Motion at 3. To the contrary, the Order specifically permits factual details about Dershowitz's sexual abuse of Ms. Giuffre to be presented in regard to pertinent matters in the *federal CVRA case*. And certainly nothing in Judge Marra's Order could render those documents confidential in *this state defamation* case, where the central issues swirl around Edwards and Cassell's good faith basis for filing the allegations. Indeed, the order is not binding in any way in this case, because it is res judicata only as to Ms. Giuffre (the moving

party in that case), not as to her attorneys Edwards and Cassell. *See Palm AFC Holdings, Inc. v. Palm Beach County*, 807 So.2d 703 (4th DCA 2002) ("In order for res judicata to apply four identities must be present: (1) identity of the thing sued for; (2) identity of the cause of action; (3) identity of persons and parties; and (4) identity of the quality or capacity of the persons for or against whom the claim is made.").

III. EDWARDS AND CASSELL WILL BE PREJUDICED IF THEY ARE BARRED FROM QUOTING FROM THE RECORD WHILE DERSHOWITZ IS PERMITTED TO FREELY REFER TO THEM WHENEVER HE FINDS IT CONVENIENT.

Dershowitz is also incorrect when he asserts that no prejudice will befall Edwards and Cassell if the records are placed under seal. To the contrary, placing the documents under seal would permit Dershowitz to continue to misrepresent and distort what is contained in those records while preventing Edwards and Cassell from correcting those misrepresentations. Dershowitz has repeatedly referred to details in the records when he has found it convenient to do so – treating the records as not confidential in any away. One clear example comes from Dershowitz's recent deposition, where he gratuitously injected into the record a reference to a portion of Ms. Giuffre's affidavit about him watching Ms. Giuffre perform oral sex on Epstein. And then, having injected that gratuitous reference into the record, he proceeded to try to rebut the reference with confidential settlement discussions – but did so by mispresenting what another attorney (David Boies) had said during the settlement discussions. So that the Court may have the full flavor of the exchange, the narrow question to Dershowitz (by attorney Jack

Scarola) and Dershowitz's extended answer are quoted in full – including Dershowitz's reference to the oral sex allegation that he now argues this Court should treat as "confidential":

> Q. [Y]ou [are] aware that years before December of 2014, when the CVRA pleading was filed, that your name had come up repeatedly in connection with Jeffrey Epstein's abuse of minors, correct? . . .
>
> A. Let me answer that question. I am aware that never before 2014, end of December, was it ever, ever alleged that I had acted in any way inappropriately with regard to Virginia [Giuffre], that I ever touched her, that I ever met her, that Ihad ever been with her. I was completely aware of that. There had never been any allegation. She claims under oath that she told you that secretly in 2011, but you have produced no notes of any such conversation. You, of course, are a witness to this allegation and will be deposed as a witness to this allegation. I believe it is an entirely false allegation that she told you in 2011 that she had had any sexual contact with me. I think she's lying through her teeth when she says that. And I doubt that your notes will reveal any such information.
> But if she did tell you that, she would be absolutely, categorically lying. So I am completely aware that never, until the lies were put in a legal pleading at the end of December 2014, it was never alleged that I had any sexual contact with Virginia Roberts.
> I know that it was alleged that I was a witness to Jeffrey Epstein's alleged abuse and that was false. I was never a witness to any of Jeffrey Epstein's sexual abuse. And I wrote that to you, something that you have falsely denied. And I stand on the record. The record is clear that I have categorically denied I was ever a witness to any abuse, that I ever saw Jeffrey Epstein abusing anybody.
>
> *And -- and the very idea that I would stand and talk to Jeffrey Epstein while he was receiving oral sex from Virginia Roberts, which she swore to under oath, is so outrageous, so preposterous, that even David Boies said he couldn't believe it was true.*
>
> MS. McCAWLEY: I object. I object. I'm not going to allow you to reveal any conversations that happened in the context of a settlement discussion.
>
> THE WITNESS: Does she have standing?

> MS. McCAWLEY: I have a standing objection and, I'm objecting again. I'm not going to
>
> THE WITNESS: No, no, no. Does she have standing in this deposition?
>
> MR. SCOTT: Let's take a break for a minute, okay?
>
> THE WITNESS: I'm not sure she has standing.
>
> MR. SCAROLA: Are we finished with the speech?
>
> MR. SCOTT: No. If he --
>
> MR. SCAROLA: I'd like him to finish the speech so that we can get to my question
> and then we can take a break.
>
> A. So the question -- the answer to your question is --
>
> MR. SIMPSON: Wait a minute. Wait a minute. Wait a minute. Please don't disclose something that she has a right to raise that objection if she wants to.
>
> MR. SCOTT: Exactly.

Deposition of Alan Dershowitz (Oct. 15, 2015) at 93-95 (attached as Exhibit 1); *see also* Deposition of Alan Dershowitz (Oct. 16, 2016) (attached as Exhibit 2) (also containing discussion of Ms. Giuffre's affidavit).

The Court should be aware that within approximately two hours of this exchange, Ms. McCawley (David Boies' law partner) released a statement on his behalf, which stated that Dershowitz was misrepresenting what happened: "Because the discussions that Mr. Boies had with Mr. Dershowitz were expressly privileged settlement discussions, Mr. Boies will not, at least at this time, describe what was actually said. However, Mr. Boies does state that Mr.

Dershowitz description of what was said is not true." Statement of Ms. McCawley on Behalf of David Boies (Oct. 15, 2015).

More broadly, the Court can readily see from this passage how Dershowitz is willing to inject into the record a part of Ms. Giuffre's affidavit whenever it serves his purpose – and, indeed, to characterize the part of the affidavit as "preposterous." But then he asks this Court to place the underlying affidavit under seal, so that the Edwards and Cassell stand accused having filed a "preposterous" affidavit without anyone being able to assess the validity of Dershowitz's attack.

Dershowitz has referred to the court records that he now wishes to have the Court declare confidential not only in his deposition, but also in his widely-broadcast media attacks on Edwards and Cassell. For example, Dershowitz appeared on the British Broadcasting Corporation (the BBC) and was asked about the allegations:

> Well, first of all they were made in *court papers* that they don't even ask for a hearing to try to prove them. They put them in *court papers* in order to immunize themselves from any consequences from a defamation suit. *The story is totally made up,* completely out of whole cloth.
> I don't know this woman. I was not at the places at the times. It is part of a pattern of made up stories against prominent people and world leaders. And the lawyers in recent statement challenged me to deny the allegations under oath. I am doing that. I am denying them under oath, thus subjecting me to a perjury prosecution were I not telling the truth. *I am now challenging them to have their client put these charges under oath* and for them to put them under oath. I am also challenging them to repeat them outside of the context of court papers so that I can sue them for defamation. . . . And I will prove beyond any doubt not only that the story is totally false, but it was knowingly false: that the lawyers and the client *conspired together to create a false story*. That is why I am moving for their disbarment in challenges to be provided to the disciplinary committee.

BBC Radio 4 - Sarah Montague (Jan. 3, 2015) (http://www.bbc.co.uk/programmes/p02g7qbc).

Similarly, Dershowitz appeared on NBC's *Today Show* the morning after Edwards and Cassell made a filing for Ms. Giuffre, to say that the Edwards and Cassell – and Ms. Giuffre – were all "lying" in the court documents:

> Question from Savannah Guthrie: *In legal papers from the lawyers*, they say you've had, in fact, the opportunity to be deposed.
>
> Answer from Alan Dershowitz: They're lying. They're lying.
>
> Question: They show letters in which they offered to depose you.
>
> Answer: And they didn't show my letters in response saying, (a), if you ask me about my legal relationship with Epstein and I'll be happy to answer. . . . And I responded that I would be happy to be deposed if you could give me any indication that I would be a relevant witness . . . . They will be proved – all of them [i.e., Cassell, Edwards, and Ms. Giuffre] – to be categorically lying and *making up this story.* And it will be a terrible thing for rape victims. . . . We [Epstein and Dershowitz] had an academic relationship. I was never in the presence of a single, young, underaged woman. When I was with him, it was with prominent scientists, prominent academics. And they're just – again – lying about this. I never saw him doing anything improper. I was not a participant. I was not a witness.

Today Show, Jan. 22, 2015 (emphases added).

As another example, in *Miami Herald*, Dershowitz called the Joinder Motion that he seeks to have sealed "the sleaziest *legal document* I have ever seen. They [Edwards and Cassell] manipulated a young, suggestible woman who was interested in money. This is a disbarrable offense, and they will be disbarred. They will rue the day they ever made this false charge against me" – i.e., Edwards and Cassell will "rue the day" they ever filed the Joinder Motion. *Miami Herald* (Jan. 3, 2015).

Most remarkably, Dershowitz took the public airwaves to represent that he wanted all of the information surrounding the allegations to "be made public," while implying that Edwards and Cassell had something to hide. For example, on the BBC he claimed that he wanted"everything to be made public":

> Q: Would you encourage that it now be made public?
>
> A: Of course, of course. *I want everything to be made public. I want every bit of evidence in this case to be made public. I want every allegation to be made public.* I want to know who else she's accused of these horrible crimes. We know that she accused Bill Clinton of being on Jeffrey Epstein's island and participating in sex orgy with underage girls. The records of the Secret Service will prove that President Clinton never set foot on that island. So that she lied. Now it's possible to have a case of mistaken identification with somebody like me. It's impossible to have a case of mistaken identification with Bill Clinton.
> My only feeling is that if she has lied about me, which I know to an absolute certainty she has, she should not be believed about anyone else. She's lied clearly about me, she's lied clearly about Bill Clinton. We know that. We know that she's lied about other public figures, including a former prime minister and others who she claims to have participated in sexual activities with. So I think it must be presumed that all of her allegations against Prince Andrew are false as well.
> I think he [Prince Andrew] should clear the air as well.
> If you're squeaky clean and if you have never done anything like this, you must fight back with all the resources available to you. And that's what I will do. I will not rest or stop until the world understands no only that I had nothing to do with any of this, but that she deliberately, with the connivance of her lawyer, lawyers, made up this story willfully and knowingly.

BBC Radio 4 - Sarah Montague (Jan. 3, 2015) (http://www.bbc.co.uk/programmes/p02g7qbc).

In another widely-broadcast interview on CNN, Dershowitz implied that there is no evidence supporting the allegations against him:

> *Ask them [Edwards and Cassell] if they have any evidence* . . . . They're doing it for money. She's getting money for having sold her story. She wants to sell the book. They're trying to get into this lawsuit. They see a pot of gold at the end of the rainbow. They're [Edwards and Cassell] prepared to lie, cheat, and steal. These are unethical lawyers. This is Professor Cassell who shouldn't be allowed near a student. This is Professor Cassell, who is a former federal judge, thank God he no longer wears a robe. He is essentially a crook. He is essentially somebody who's distorted the legal profession. . . . Why would he charge a person with a sterling reputation for 50 years on the basis of the word alone of a woman who is serial liar, who has lied about former Prime Ministers, former Presidents, has lied demonstrably.

CNN Live (with Hala Gorani) (January 5, 2015). Of course, by placing "the evidence" in this case under seal, Dershowitz will be free to continue to try and insinuate that Edward and Cassell – and their client, Ms. Giuffre – had no evidence supporting the allegations against him, even though a mountain evidence strongly support Ms. Giuffre's allegations. See Deposition of Paul Cassell (Oct. 16, 2015) at 61-117 (Exhibit 3); see also Depo of Pual Cassell (Oct. 17, 2015) (Exhibit 4).

CONCLUSION

The Court should deny Defendant/Counterclaim Plaintiff Alan Dershowitz's motion to place documents regarding Ms. Giuffre's allegations against him under seal.

I HEREBY CERTIFY that a true and correct copy of the foregoing was sent via E-Serve to all Counsel on the attached list, this 23rd day of November, 2015.

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Exhibit 1

IN THE CIRCUIT COURT OF THE SEVENTEENTH JUDICIAL
CIRCUIT IN AND FOR BROWARD COUNTY, FLORIDA

CASE NO.: CACE 15-000072

BRADLEY J. EDWARDS and PAUL G.
CASSELL,,

Plaintiffs,

vs.

ALAN M. DERSHOWITZ,

Defendant.
_____/

VIDEOTAPE DEPOSITION OF

ALAN M. DERSHOWITZ

VOLUME 1
Pages 1 through 179

Thursday, October 15, 2015
9:31 a.m. - 4:13 p.m.

Cole Scott & Kissane
110 Southeast 6th Street
Fort Lauderdale, Florida

Stenographically Reported By:
Kimberly Fontalvo, RPR, CLR
Realtime Systems Administrator

1 people that abused Virginia?

2 A. I told you I never asked her the question. 11:36:21

3 Q. Are you aware that years before December 11:36:48

4 of 2014, when the CVRA pleading was filed, that your

5 name had come up repeatedly in connection with

6 Jeffrey Epstein's abuse of minors, correct?

7 MR. SCOTT: Objection, form, overly broad. 11:37:16

8 A. Let me answer that question. I am aware 11:37:17

9 that never before 2014, end of December, was it

10 ever, ever alleged that I had acted in any way

11 inappropriately with regard to Virginia Roberts,

12 that I ever touched her, that I ever met her, that I

13 had ever been with her. I was completely aware of

14 that. There had never been any allegation.

15 She claims under oath that she told you 11:37:48

16 that secretly in 2011, but you have produced no

17 notes of any such conversation. You, of course, are

18 a witness to this allegation and will be deposed as

19 a witness to this allegation. I believe it is an

20 entirely false allegation that she told you in 2011

21 that she had had any sexual contact with me. I

22 think she's lying through her teeth when she says

23 that. And I doubt that your notes will reveal any

24 such information.

25 But if she did tell you that, she would be 11:38:24

1 absolutely, categorically lying. So I am completely
2 aware that never, until the lies were put in a legal
3 pleading at the end of December 2014, it was never
4 alleged that I had any sexual contact with Virginia
5 Roberts.
6 I know that it was alleged that I was a 11:38:46
7 witness to Jeffrey Epstein's alleged abuse and that
8 was false. I was never a witness to any of Jeffrey
9 Epstein's sexual abuse. And I wrote that to you,
10 something that you have falsely denied. And I stand
11 on the record. The record is clear that I have
12 categorically denied I was ever a witness to any
13 abuse, that I ever saw Jeffrey Epstein abusing
14 anybody.
15 And -- and the very idea that I would 11:39:18
16 stand and talk to Jeffrey Epstein while he was
17 receiving oral sex from Virginia Roberts, which she
18 swore to under oath, is so outrageous, so
19 preposterous, that even David Boies said he couldn't
20 believe it was true.
21 MS. McCAWLEY: I object. I object. I'm 11:39:40
22 not going to allow you to reveal any
23 conversations that happened in the context of a
24 settlement discussion.
25 THE WITNESS: Does she have standing? 11:39:46

1 MS. McCAWLEY: I have a standing objection 11:39:47
2 and, I'm objecting again. I'm not going to --
3 THE WITNESS: No, no, no. Does she have 11:39:49
4 standing in this deposition?
5 MR. SCOTT: Let's take a break for a 11:39:51
6 minute, okay?
7 THE WITNESS: I'm not sure she has 11:39:54
8 standing.
9 MR. SCAROLA: Are we finished with the 11:39:57
10 speech?
11 MR. SCOTT: No. If he -- 11:39:58
12 MR. SCAROLA: I'd like him to finish the 11:39:59
13 speech so that we can get to my question and
14 then we can take a break.
15 A. So the question -- the answer to your 11:40:02
16 question is --
17 MR. SIMPSON: Wait a minute. Wait a 11:40:04
18 minute. Wait a minute. Please don't disclose
19 something that she has a right to raise that
20 objection if she wants to.
21 MR. SCOTT: Exactly. 11:40:13
22 THE WITNESS: Okay. 11:40:14
23 MR. SCOTT: Ask your question. 11:40:17
24 MR. SWEDER: Maybe you want to read back 11:40:20
25 the last couple of sentences.

Exhibit 2

IN THE CIRCUIT COURT OF THE SEVENTEENTH JUDICIAL CIRCUIT IN AND FOR BROWARD COUNTY, FLORIDA

CASE NO.: CACE 15-000072

BRADLEY J. EDWARDS and PAUL G. CASSELL,,

Plaintiffs,

vs.

ALAN M. DERSHOWITZ,

Defendant.

_____/

CONTINUED VIDEOTAPE DEPOSITION OF

ALAN M. DERSHOWITZ

VOLUME 2
Pages 180 through 333

Friday, October 16, 2015
9:18 a.m. - 12:26 p.m.

Cole Scott & Kissane
110 Southeast 6th Street
Fort Lauderdale, Florida

Stenographically Reported By:
Kimberly Fontalvo, RPR, CLR
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VIDEOGRAPHER: Going on the record. This is day two of Alan Dershowitz's deposition. The date is October 16, 2015, and the time is approximately 9:18 a.m.

MR. SCAROLA: Would you please reswear the witness.

THE COURT REPORTER: Would you raise your right hand, please?

Do you swear or affirm that the testimony you are about to give will be the truth, the whole truth, and nothing but the truth?

THE WITNESS: Yes.

Thereupon:

ALAN M. DERSHOWITZ

having been first duly sworn, was examined and testified as follows:

DIRECT EXAMINATION

BY MR. SCAROLA:

Q. Mr. Dershowitz, what is rhetorical hyperbole?

A. Rhetorical means verbal and hyperbole means exaggeration.

Q. Something other than the truth, correct?

A. Truth --

MR. SCOTT: Objection, form, relevancy.

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A. Truth has many, many meanings and is a continuum. The Supreme Court has held that rhetorical hyperbole cannot be the basis, for example, of perjury prosecutions or generally of a defamation prosecution.

So it depends on the context. You might just look at the dictionary and probably get a variety of definitions for it.

BY MR. SCAROLA:

Q. Well, what I'm concerned about, Mr. Dershowitz, is not a dictionary definition. I want to know what your understanding of rhetorical hyperbole is.

And do you agree that pursuant to your understanding of rhetorical hyperbole, it is an exaggeration beyond the facts?

MR. SCOTT: Objection, argumentative and compound, three questions.

A. No --

MR. SCOTT: You can answer.

A. -- I would not agree with that definition.

BY MR. SCAROLA:

Q. Okay. Then define it for us, if you would, please.

A. I think I have already.

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Q. I'm sorry, I missed the definition. Could you tell us what rhetorical hyperbole is?

MR. SCOTT: Objection, repetitious. He's done it.

A. Why don't we just read back my answer.

BY MR. SCAROLA:

Q. Because I didn't understand it, so I would like you to try to give us a direct response to that question if you're able to.

A. I will repeat exactly what I said. A rhetorical means verbal and hyperbole means some exaggeration of the facts for political or other reasons, but generally it is truthful in a literal sense but perhaps -- it all depends on context.

And if you tell me the context in which I used it, I will be happy to describe what I meant in that context. But I don't think you can really answer a question about what two words put together mean without understanding the context.

Q. Okay. Well, we're going to talk about some context.

Do you recall having been interviewed on CNN Tonight on January 5, 2015?

A. I have no current recollection of --

MR. SCOTT: Do you have a copy of the

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transcript of the interview? We'd like to see it.

MR. SCAROLA: That's exactly what I gave you, the photocopy.

MR. SCOTT: We're doing it right now. Maybe we can move on and come back then.

MR. SCAROLA: No, I would like to proceed.

MR. SCOTT: Then let's stop until I get a copy of it. Because he -- I want --

MR. SCAROLA: I don't think that's necessary because your client has told us that he has a superb memory and one of the things I would like to know is what he's able to recall. If he needs to refresh his memory, the transcripts will be here in just a moment, but I don't want to delay going forward.

MR. SCOTT: Do you need the transcript to refresh your memory?

THE WITNESS: Well, I have no memory of what specifically I said on a particular day in a particular interview.

MR. SCOTT: Since you have a copy in front of him, why don't you just show him your copy then? Read the -- ask your question and let him read it.

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BY MR. SCAROLA:

Q. Do you recall having been interviewed on CNN Tonight by Don Lemon?

A. Yes, I do.

Q. Do you recall having been interviewed on CNN Tonight by Don Lemon in early January of 2015, where you spoke about matters that have become the subject of this litigation?

A. Yes, I do.

Q. Did you make the following statement during the course of that interview: "As to the airplanes, there are manifests that will prove beyond any doubt that I was never on a private airplane with this woman or any other underage girl"?

MR. SCOTT: You need to see the transcript?

THE WITNESS: No. No.

A. That is a truthful statement. I would repeat it right now. I've reviewed the manifests.

First, I know I was never on the airplane with any underage woman. I know that for a fact. I have absolutely no doubt in my mind about that. And the records that I have reviewed confirm that.

They have Virginia Roberts on a number of

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1 airplane flights with Jeffrey Epstein. They have me
2 on a number of flights, none -- let me emphasize,
3 none within the relevant time period, none within
4 the relevant time period. That is, there are no
5 manifests that have me on Jeffrey Epstein's airplane
6 during the time that Virginia Roberts claims to
7 have -- falsely claims to have had sex with me.
8 So, yes, not only recall making that
9 statement, but I repeat it here today. And it is
10 absolutely true. And it just confirms what I know,
11 and that is that Virginia Roberts made up the entire
12 story.
13 BY MR. SCAROLA:
14 **Q. Your statement --**
15 MR. SCOTT: What page are you reading
16 from?
17 MR. SCAROLA: Page 5.
18 **Q. Your statement was that you were never on**
19 **a private airplane with this woman, which I assume**
20 **was a reference to Virginia Roberts, correct?**
21 A. It is, yes.
22 **Q. Or any other underage girl?**
23 A. That's right.
24 **Q. All right. How many times --**
25 A. Well, let me be very clear. I have no

1 idea who was in the front cabin of the airplane with
2 the pilots. Obviously what I intended to say and
3 what I say here now is I never saw an underaged
4 person on an airplane.
5 Now, when I -- when I flew with Jeffrey
6 Epstein to the launch, my recollection is that there
7 may have been a couple on the plane with their child
8 who was going to see the launch. But that was
9 certainly not the context in which I made the
10 statement.
11 I never saw any underage, young person who
12 would be the subject or object of any improper
13 sexual activities. Had I seen Jeffrey Epstein ever
14 in the presence of an underage woman in a context
15 that suggested sexuality, I would have, A, left the
16 scene; B, reported it; and, C, never had any further
17 contact with Jeffrey Epstein.
18 **Q. You have also made the statement that you**
19 **were never on a private airplane with any underage**
20 **women or any young women, correct?**
21 A. The context was underage women in a sexual
22 context. If it was a -- you know, a four-year-old
23 child being carried by her mother, that would not be
24 included in what I intended to say.
25 **Q. Your sworn testimony yesterday, according**

1 **to the transcription, the official transcription of**
2 **that testimony, was that, quote:**
3 **"Let me emphasize that the manifests that**
4 **do exculpate me do not show me flying with Virginia**
5 **Roberts, they do not show me flying with any young**
6 **women."**
7 **That was the testimony you gave under**
8 **oath. Do you stand by that testimony today?**
9 A. The manifests that I saw corroborate my
10 own memory -- my own memory is as clear as could
11 be -- that I never saw any inappropriately aged,
12 underaged women on any airplane to my knowledge that
13 were visible to me at any time that I flew. That is
14 my testimony, yes.
15 **Q. Well, that's not a response to the**
16 **question that I asked. Is it your testimony today**
17 **that you never flew on a private airplane with,**
18 **quote, "any young women"?**
19 MR. SCOTT: Objection, form.
20 A. By young women, I obviously meant in that
21 context underage women. And underage women in the
22 context of sexuality. And, yes, I -- I stand by
23 that statement.
24 BY MR. SCAROLA:
25 **Q. All right. So your -- your clarification**

1 **of your earlier testimony is that you never saw any**
2 **young women in a sexual context?**
3 A. That's not clarification. I think that's
4 what I initially said. That's what I initially
5 intended. And that's the way any reasonable -- any
6 reasonable person would interpret what my original
7 testimony was. So I don't believe my original
8 testimony required any clarification.
9 **Q. So what you meant to convey by the**
10 **statement that you made when you said you never flew**
11 **with any underage girl or any young women was you**
12 **never flew with any underage girl or young women in**
13 **a sexual context?**
14 MR. SCOTT: Objection, form.
15 BY MR. SCAROLA:
16 **Q. Is that correct?**
17 A. Let me simply repeat the fact and that is,
18 to my knowledge, I never flew on an airplane or was
19 ever in the presence on an airplane with any
20 underage woman who would be somebody who might be in
21 a sexual context. I say that only to eliminate the
22 possibility that some four-year-old was on the lap
23 of a mother or somebody was on the airplane with
24 family members.
25 But, no, I do not recall -- and I'm very

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1 firm about this -- being on an airplane with anybody
2 who I believed could be the subject of Jeffrey
3 Epstein or anyone else's improper sexual activities.
4 MR. SCAROLA: All right. Let's mark the
5 transcript that we've been referring to as
6 Exhibit Number 1, please. That's the
7 transcript of the television interviews that
8 we'll be discussing.
9 (Thereupon, marked as Plaintiff Exhibit
10 1.)
11 MR. SCOTT: This is actually 2, right? We
12 had one yesterday, an article from the British
13 newspaper?
14 MR. SCAROLA: No. It was not marked as an
15 exhibit. This is the first exhibit that's been
16 marked.
17 MR. SCOTT: No, I know that, but I thought
18 we were going to mark that one. Maybe I was --
19 I asked for that. Okay.
20 It was an answer and counterclaim about
21 the allegation shown to the witness.
22 MR. SCAROLA: And Exhibit Number 2 will be
23 the transcript from yesterday's proceedings
24 that I have just referenced.
25 (Thereupon, marked as Plaintiff

1 Exhibit 2.)
2 MR. SCOTT: You don't have a copy of that,
3 do you, of the transcript?
4 MR. SCAROLA: No. Got sent to you. I
5 assume you have it.
6 BY MR. SCAROLA:
7 **Q. I'm going to hand you what we'll now mark**
8 **as Exhibit Number 3.**
9 **(Thereupon, marked as Plaintiff**
10 **Exhibit 3.)**
11 MR. SCOTT: There's no question.
12 MR. SWEDER: Yes.
13 BY MR. SCAROLA:
14 **Q. Do you recognize that young woman,**
15 **Mr. Dershowitz?**
16 A. No.
17 **Q. Never saw her?**
18 A. Not that I know of.
19 **Q. Never flew on an private airplane with**
20 **her?**
21 A. Not that I know of.
22 **Q. Do you recognize the name Tatiana?**
23 A. I do recall that Jeffrey Epstein had a
24 friend named Tatiana.
25 **Q. That you flew with?**

1 A. I don't remember that I flew with her or
2 not. I may have. But I don't recall necessarily.
3 But I did meet -- I remember meeting a woman named
4 Tatiana. This does not look like Tatiana, like the
5 woman I met.
6 **Q. Okay. So that's a -- that's a different**
7 **Tatiana?**
8 A. No, I don't know.
9 MR. SCOTT: Objection, form,
10 argumentative.
11 A. I have no idea. I do not recognize this
12 woman. She's not familiar to me at all.
13 I can tell you this: Without any doubt, I
14 never met anybody dressed like this on any airplane
15 or in the presence of Jeffrey Epstein or in any
16 context --
17 BY MR. SCAROLA:
18 **Q. Did she have --**
19 A. -- related to this case.
20 **Q. -- more clothes on or less clothes on when**
21 **you met her?**
22 MR. SCOTT: Objection, form. He said he
23 never met her. Misrepresent --
24 BY MR. SCAROLA:
25 **Q. When you met the woman that you're**

1 **referencing, did she have more clothes on or less**
2 **clothes on than that woman?**
3 A. Every woman that I met in the presence of
4 Jeffrey Epstein was properly dressed, usually in
5 suits and dresses and -- and appropriately covered
6 up. I never met any women in the context of Jeffrey
7 Epstein who were dressed anything like this.
8 **Q. Would you agree that that is a young woman**
9 **in that photograph?**
10 A. I have no idea what her age is.
11 **Q. So you don't know whether she was underage**
12 **or overage or a young woman or not a young woman?**
13 A. I don't --
14 MR. SCOTT: Objection, form.
15 A. -- know this woman, so I have no idea how
16 old a woman in a picture is. She could be -- she
17 could be 30. She could be 25. I have no idea.
18 BY MR. SCAROLA:
19 **Q. Or she could be 15 or 16?**
20 A. I don't think so.
21 **Q. But you don't know?**
22 A. This doesn't -- well, I don't know how old
23 you are. This does not strike me --
24 **Q. Old enough to know that --**
25 MR. SCOTT: You're cutting --

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BY MR. SCAROLA:

Q. -- that's a young woman.

MR. SCOTT: Objection. You're cutting the witness off. You're not letting him finish.

A. This looks like a picture out of a Playboy or Penthouse magazine. It does not look to me like a person who is under the age of 16 or 17 or 18. But I don't think you can tell anything from the picture. I think you can tell much more from meeting somebody and being with them and having a conversation with them.

MR. SCAROLA: Let's mark this photograph, if we could, as Exhibit Number 4.

(Thereupon, marked as Plaintiff Exhibit 4.)

BY MR. SCAROLA:

Q. Does Exhibit Number 4 help you at all to recognize this young woman?

A. I've never -- I have no -- no recollection of this young woman at all.

Q. All right. Would you describe for us, please, the Tatiana that you flew with Jeffrey Epstein on November 17, 2005?

A. First, I want to emphasize that that's three years later than any of the issues involved in

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this case. I have no recollection of flying with this woman. I saw the name Tatiana on a manifest.

And my recollection of Tatiana -- I have no recollection of flying with her, but my recollection of Tatiana is that she was a serious, mid 20s woman friend of Jeffrey Epstein, who I may have met on one or two or three occasions when he was with her in -- perhaps at Harvard University where he was meeting with academics and scholars, or perhaps -- I think that's probably the context where -- where she might have been.

Q. But you never flew with her?

A. I have no recollection of flying with her.

Q. Okay. Well, let me see if this helps to refresh your recollection, Mr. Dershowitz.

MR. SCAROLA: Let's mark this as Exhibit Number 5, please.

THE WITNESS: Uh-huh, yes.

(Thereupon, marked as Plaintiff Exhibit 5.)

BY MR. SCAROLA:

Q. Do you see that the name of the woman in the photographs I have handed you is Tatiana Kovylina, K-O-V-Y-L-I-N-A, a Victoria Secrets model?

The photographs, sir, look at the

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photographs. The photographs identify the woman as Tatiana Kovylina, correct?

A. Yes, but --

MR. SCOTT: Mr. Dershowitz, take your time --

THE WITNESS: Yeah.

MR. SCOTT: -- review the exhibits. Don't be rushed by Mr. Scarola.

A. Yes, it's a different -- different spelling of the name. The Tatiana on the manifest is spelled T-A-I-T-A-N-N-A.

The Tatiana in the photograph is T-A-T-I-N -- I-A-N-A. I have no idea whether --

BY MR. SCAROLA:

Q. The last name --

A. -- they are the same person.

Q. -- is the same, Kovylina, right?

A. There's no last name.

Q. Well, read down a little bit further, if you would, Mr. Dershowitz.

A. You mean as to a different flight?

Q. Yes, sir. Identifying the return flight for the same Tatiana.

A. I have no idea that it's a return flight. I have nothing on the record that suggests that it's

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a return flight. And it has different people on it. So I have no reason to believe it's a return flight.

Q. Is the last -- the question that I asked you, Mr. Dershowitz, is: Is the last name spelled exactly the same as the last name is spelled in the two photographs I have shown you?

A. Let me look. So, on the 20th of November --

Q. Is the last name --

MR. SCOTT: Whoa, whoa --

BY MR. SCAROLA:

Q. -- spelled the same way on both the flight log and the two photographs I have shown you?

A. On -- you mean on a flight log that I was not on the flight? Is that right? You're talking about a flight log that I was not on the flight, right?

Q. That flight log shows you on multiple flights, does it not?

A. It shows me not on that flight. It shows me on a number of flights, but not on that flight.

MR. SCOTT: What's the date of the flights?

THE WITNESS: The date of that flight is -- looks like November 20th, 2005, more

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1 than three years after Virginia Roberts left
2 for --
3 BY MR. SCAROLA:
4 **Q. Mr. Dershowitz --**
5 MR. SCOTT: You're cutting the witness
6 off.
7 MR. SCAROLA: He's not answering my
8 question, Tom.
9 MR. SCOTT: Well --
10 MR. SCAROLA: I want to know whether the
11 last name is spelled the same or it isn't
12 spelled the same on the flight log marked as an
13 exhibit and on the photographs. That's a very
14 direct question. It calls for a very direct
15 yes or no response.
16 And this witness has demonstrated a clear
17 refusal to respond directly to direct
18 questions, which will result, when we resume
19 this deposition, in our requesting that the
20 Court appoint a special master so that this
21 deposition doesn't take two weeks to complete.
22 MR. SCOTT: You know, Mr. Scarola, that's
23 a nice speech and I appreciate it.
24 MR. SCAROLA: Thank you.
25 MR. SCOTT: I don't agree with your

1 characterization. And if you recall, months
2 ago I suggested a special master for this
3 deposition, for your clients' depositions and
4 for Virginia Roberts' and your response to me
5 was: I'll consider it, I won't pay for it. If
6 your client wants to pay for it -- so basically
7 you blew me off.
8 So, I appreciate you finally come around.
9 And your clients.
10 MR. SCAROLA: Your client's misconduct has
11 clearly convinced me, having now considered it,
12 that it is absolutely necessary.
13 MR. SCOTT: Okay. Now --
14 BY MR. SCAROLA:
15 **Q. So now could I get an answer to my**
16 **question --**
17 MR. SCOTT: Now that we have --
18 BY MR. SCAROLA:
19 **Q. -- whether the last name on the flight log**
20 **is spelled exactly the same way as the last name in**
21 **the photographs?**
22 MR. SCOTT: Now that all the lawyers'
23 speeches are done, read the question back and
24 the witness will answer it.
25 MR. SCAROLA: I will repeat the question.

1 BY MR. SCAROLA:
2 **Q. Is the last name on the photograph spelled**
3 **exactly the same way as the last name on the flight**
4 **log?**
5 A. If you're talking about a flight log that
6 I was not on that flight, the answer is yes.
7 **Q. All right. Thank you very much, sir.**
8 **Now, that flight log also shows you flying**
9 **repeatedly in the company of a woman named Tatiana,**
10 **correct?**
11 A. I've only seen one reference to Tatiana on
12 November 17. If you want to show me any other
13 references, I'd be happy to look at them.
14 **Q. All right, sir. Thank you.**
15 **Let's go back to the --**
16 MR. SCOTT: Are we done with this exhibit?
17 MR. SCAROLA: We are done with the
18 exhibit.
19 MR. SCOTT: Okay. Then let's collect the
20 exhibits so that we don't have a big -- then
21 we'll turn them over to the court reporter to
22 keep safekeeping.
23 There you go, young lady, don't lose
24 those, don't get them wet. And we'll proceed.
25

1 BY MR. SCAROLA:
2 **Q. Did you state during the same interview,**
3 **the CNN Don Lemon interview: "She has said that**
4 **Bill Clinton was with her at an orgy on Jeffrey's**
5 **island"?**
6 A. I did state that, yes.
7 **Q. Was that statement intended as fact,**
8 **opinion, or was it intended as rhetorical hyperbole?**
9 MR. SCOTT: Do you understand the
10 question?
11 THE WITNESS: Yes, I do.
12 A. It was a statement based on what I
13 believed were the facts at the time I said them.
14 Various newspapers and blogs had placed
15 Bill Clinton on, quote, "orgy island" on -- in the
16 presence of Jeffrey Epstein when there were orgies.
17 And at the time I made that statement, I had a
18 belief that she had accused Bill Clinton of
19 participating or being -- as being a part of or an
20 observer or -- or a witness or a participant in
21 orgies on what was called Jeffrey Epstein's orgy
22 island. That was my state of belief, honest belief
23 at the time I made that statement.
24 BY MR. SCAROLA:
25 **Q. Yes, sir. And what I want to know is what**

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1 **the source of that honest belief was? Identify any**
2 **source that attributed to Virginia Roberts the**
3 **statement that Bill Clinton was with her at an orgy**
4 **on Jeffrey's island.**
5 A. We can provide you about, I think, 20
6 newspaper articles and blogs which certainly raise
7 the implication that Bill Clinton had improperly
8 participated in sexual activities on the island
9 either as an observer or as a participant. The
10 issue was raised on Sean Hannity's program. The
11 headlines in various British media had suggested
12 that.
13 It's my belief that Virginia Roberts
14 intended to convey that impression when she was
15 trying to sell her story to various media, which she
16 successfully sold her story to in Britain, that she
17 wanted to keep that open as a possibility.
18 And then when I firmly declared, based on
19 my research, that Bill Clinton had almost certainly
20 never been on that island, she then made a firm
21 statement that she -- which was a -- which was a
22 perjurious statement, a firm perjurious statement
23 saying that although Bill Clinton had been with her
24 on the island and had had dinner with her, the
25 perjurious statement was that Bill Clinton had been

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1 on the island with her.
2 The lie was that she described in great
3 detail a dinner with Bill Clinton and two underaged
4 Russian women who were offered to Bill Clinton for
5 sex but that Bill Clinton turned down.
6 So she then put in her affidavit that
7 although -- perjuriously, although she had seen Bill
8 Clinton on that island, she then stated that she had
9 not had sex with Bill Clinton. To my knowledge,
10 that was -- to my knowledge at least, that was the
11 first time she stated that -- that she not had sex
12 with Bill Clinton. She had certainly implied, or at
13 least some of the media had inferred from her
14 statements that she may very well have observed Bill
15 Clinton in a sexually compromising position.
16 So, when I made that statement to Don
17 Lemon, I had a firm belief, based on reading
18 newspaper accounts and blogs, that it was true.
19 **Q. Can you identify a single newspaper that**
20 **attributed to Virginia Roberts the statement that**
21 **Bill Clinton was with her at an orgy on Jeffrey's**
22 **island?**
23 A. I think there -- I don't have them in my
24 head right now. But I do recall reading headlines
25 that talked about things like, sex slave places

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1 Clinton on orgy island, things of that kind. I
2 would be happy to provide them for you. I don't
3 have them on the top of my head.
4 **Q. There's a big difference between saying**
5 **that Bill Clinton was on Jeffrey's island and saying**
6 **that Bill Clinton was at an orgy on Jeffrey's**
7 **island, isn't there?**
8 MR. SCOTT: Objection --
9 BY MR. SCAROLA:
10 **Q. Do you recognize a distinction between**
11 **those statements?**
12 MR. SCOTT: Form.
13 A. I don't think that distinction was clearly
14 drawn by the media.
15 BY MR. SCAROLA:
16 **Q. I'm asking whether you recognize the**
17 **distinction?**
18 A. Oh, I -- I certainly recognize a
19 distinction.
20 **Q. Oh, so --**
21 A. Let me finish. I certainly recognize a
22 distinction between Bill Clinton being on the
23 island, which I believe she perjuriously put in her
24 affidavit, and Bill Clinton participating actively
25 in an orgy. I also think it's a continuum.

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1 And there is the possibility, which I
2 don't personally believe to be true, that he was on
3 the island. There was the possibility, which I
4 don't believe to be true, that he was on the island
5 when orgies were taking place. There was the
6 possibility that he was on the island and observed
7 an orgy, and there was the possibility that he was
8 on the island and participated in an orgy.
9 Newspapers picked up those stories. I'll
10 give you an example of a newspaper that actually
11 said that that she had placed or that I was on the
12 island and -- that I participated in an orgy along
13 with Stephen Hawkings [sic.], the famous physicist
14 from Cambridge University, that was a newspaper
15 published in the Virgin Islands, which falsely
16 claimed that I was at an orgy with Stephen Hawkings.
17 So, many newspapers were suggesting,
18 implying, and I inferred from reading those
19 newspapers that that's what she had said to the
20 media.
21 If I was wrong about that based on
22 subsequent information, I apologize. But I
23 certainly, at the time I said it, believed it and
24 made the statement in good faith in the belief that
25 it was an honest statement.

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1 **Q. Okay. So you now are withdrawing the**
2 **statement that you made that Virginia Roberts said**
3 **that Bill Clinton was with her at an orgy on**
4 **Jeffrey's island; that was wrong?**
5 A. I don't know whether she ever said that.
6 I would not repeat that statement and have not
7 repeated that statement based on her denial. As
8 soon as she denied it, I never again made that
9 statement and would not again make that statement.
10 **Q. You --**
11 A. But I did reiterate the fact that she
12 committed perjury when she said she was on the
13 island with Bill Clinton.
14 MR. SCAROLA: Move to strike the
15 nonresponsive --
16 A. That was the perjurious statement.
17 MR. SCAROLA: Move to strike the
18 nonresponsive portions of the answer.
19 BY MR. SCAROLA:
20 **Q. You have made a reference during that same**
21 **CNN interview to this woman, referring to Virginia**
22 **Roberts, having a criminal record?**
23 A. That's right.
24 **Q. Okay. What -- what is a criminal record?**
25 A. Well, the way I used the term is that she

1 committed a crime and legal -- some kind of
2 proceedings resulted from her committing a crime.
3 The crime she committed was stealing money from a
4 restaurant that she worked at while she was also
5 working for Jeffrey Epstein. And it was my
6 information that there was a criminal record of her
7 theft.
8 **Q. How old was she at the time this alleged**
9 **offense occurred?**
10 A. I don't know. But old enough to be held
11 criminally responsible in the State of Florida, to
12 my knowledge. To my knowledge, I -- I recall a case
13 where a 14-year-old boy was sentenced as an adult
14 for --
15 MR. SCAROLA: Mr. Scott --
16 A. -- a serious --
17 MR. SCAROLA: -- did my question ask
18 anything about a 14-year-old boy?
19 A. You asked if --
20 MR. SCAROLA: Do we really need to listen
21 to this?
22 MR. SCOTT: You're asking questions, my
23 client is providing his response.
24 MR. SCAROLA: No, your client is not
25 responding. Your client is filibustering.

1 Your client is doing everything he can to avoid
2 giving direct answers to these questions.
3 I would appreciate it if you would take a
4 break, counsel your client that the speeches
5 are not helpful to anyone, and especially not
6 helpful to him.
7 MR. SCOTT: If you want to take a break,
8 I'll take a break and I will advise my client
9 whatever I feel is appropriate, not what you
10 instruct me to do.
11 MR. SCAROLA: Okay. Well, if you think it
12 might help at all in the progress of this
13 deposition, then I do want to take a break. If
14 you don't think taking a break would be
15 helpful, I don't want to take a break.
16 MR. SCOTT: Do you want to take a break or
17 not?
18 THE WITNESS: I'm going to leave it to
19 your judgment. I'm happy to proceed --
20 MR. SCOTT: Okay. I'll be glad to take a
21 break.
22 MR. SCAROLA: Thank you.
23 MR. SCOTT: I can't say --
24 MR. SCAROLA: Five minutes.
25 MR. SCOTT: -- it will help you or

1 anything but --
2 MR. SCAROLA: I can understand that you
3 don't -- you don't have that control, but if
4 there's any reasonable --
5 MR. SCOTT: You know, Counsel --
6 MR. SCAROLA: -- prospect that it might
7 help, let's give it a try.
8 MR. SCOTT: You know, I really don't
9 appreciate the comments about my abilities as
10 an attorney, like I don't have that control and
11 things of nature. It really is --
12 MR. SCAROLA: I don't have the control
13 either.
14 MR. SCOTT: It's not --
15 MR. SCAROLA: I'm not trying to disparage
16 you at all in any respect. I'm just suggesting
17 that --
18 MR. SCOTT: Okay.
19 MR. SCAROLA: -- there is reason to doubt
20 that it will do any good. But I want to give
21 it a try.
22 MR. SCOTT: Okay. Fine. Thank you.
23 MR. SCAROLA: Thank you.
24 VIDEOGRAPHER: Going off the record. The
25 time is approximately 9:49 a.m.

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(Recess was held from 9:49 a.m. until 10:01 a.m.)
VIDEOGRAPHER: Going back on the record. The time is approximately 10:01 a.m.
MR. SCOTT: If you've finished your bagel, we're ready to proceed, I think.
MR. SCAROLA: I think we are. I was actually ready to proceed a little bit earlier, but we'll proceed now.
BY MR. SCAROLA:
Q. Mr. Dershowitz, do you agree with the basic concept that one is presumed to be innocent until proven guilty?
A. Yes.
Q. Has Virginia Roberts ever been proven to be guilty of any crime at any time, anywhere, at any age?
A. I don't know the answer to that question, but I do know that she was brought into the legal system for stealing money from her employer and I think it's fair to characterize that as her having a criminal record, yeah.
Q. To the extent that anyone might interpret your comment that Virginia Roberts was ever convicted of a crime, they would be drawing a false conclusion as far as you know, correct?

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A. As far as I know, I don't know of her having convicted of any crime. But I do know that she was proceeded against for having stolen money. And I don't think she contested that. I don't think there's any dispute about the fact that she stole money and engaged in other crimes as well.
Q. When did you find out about this alleged crime?
A. As soon as the false allegation against me was made public, I got call after call after call from people telling me about Virginia Roberts, about your 22 clients. The calls just kept coming in because there was such outrage at this false allegation being directed against me.
MR. SCAROLA: Move to strike the unresponsive portion of the answer.
BY MR. SCAROLA:
Q. You found out as soon as the CVRA complaint was -- the CVRA allegations referencing you were filed; is that correct?
A. I didn't say that. I said as soon as they were made public and as soon as the newspapers carried these false stories, I received phone calls and I learned about -- I learned about her encounter with the criminal justice system.

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Q. That would certainly have been prior to February 23rd of 2015, correct?
A. Yes.
MR. SCOTT: Are you going back to the exhibit now with the newspapers and --
MR. SCAROLA: Not yet.
MR. SCOTT: Okay.
BY MR. SCAROLA:
Q. Having reviewed the available airplane flight logs, you are aware that Bill Clinton flew on at least 15 occasions with Jeffrey Epstein on his private plane, correct?
A. Yes.
Q. Have you ever attempted to get flight log information with regard to Former President Clinton's other private airplane travel?
A. No.
Q. Never made a public records request --
A. Yes.
Q. -- under the Freedom of Information Act with regard to those records?
A. Well, we have made a Freedom of Information request. My -- my attorney in New York, Louis Freeh, the former head of the FBI, has made a FOIA request for all information that would

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conclusively prove that Bill Clinton was never on Jeffrey Epstein's island, yes.
Q. And you were denied those records, correct?
A. No, no, no.
Q. Oh, you got them?
MR. SCOTT: Well, wait a minute. Let's take it slow. Ask a question.
A. As any lawyer knows, FOIA requests take a long, long period of time. So they were neither denied nor were they given to us. They are very much in process.
BY MR. SCAROLA:
Q. When was --
A. While we're talking about -- may I complete -- I want to amend one answer I gave previously.
While we're talking about the plane logs, I must say that during the recess, my wife Googled Tatiana and found out that she was, in fact, 24 years old in 1995, at the time she flew on that airplane. So that my characterization of her as about 25 years old is absolutely correct.
And the implication that you sought to draw by showing me those pictures was not only

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1 demonstrably false, but you could have easily
2 discovered that the implication you were drawing was
3 demonstrably false by simply taking one second and
4 Googling her name as my wife did.
5 BY MR. SCAROLA:
6 **Q. And so at 25 years old, she wasn't a young**
7 **woman?**
8 A. She was not the kind of woman that I was
9 describing as underage. She was a mature, serious,
10 I think I said in my public statements a model. I
11 wasn't aware at the time that see was working for
12 Victoria's Secrets, but Google demonstrates that.
13 And I described her exactly, in exactly the right
14 terms, a serious person.
15 I always saw her dressed when I saw her --
16 I saw her maybe on two or three occasions, dressed
17 appropriately. She was a serious adult worker and I
18 think you insult and demean her when you suggest
19 that anything other than that she was a serious
20 adult when she flew on that airplane.
21 **Q. You were asked on the occasion of that**
22 **same Don Lemon CNN interview what possible motive**
23 **the attorneys, Brad Edwards and Paul Cassell, could**
24 **have had to have identified you in the pleading that**
25 **was filed in the Crime Victim's Rights Act case.**

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1 **Do you remember that?**
2 A. That's right, yes.
3 **Q. And your response was, quote --**
4 MR. SCOTT: Here's your transcript if you
5 need to refer to it.
6 BY MR. SCAROLA:
7 **Q. -- "They want to be able to challenge the**
8 **plea agreement and I was one of the lawyers who**
9 **organized the plea agreement. I got the very good**
10 **deal for Jeffrey Epstein."**
11 **Did you make that response?**
12 A. Yes.
13 **Q. So, you recognized as of January 5, 2015,**
14 **that the reason why the statements were filed in the**
15 **Crime Victim's Rights Act case was because the Crime**
16 **Victim's Rights Act case had, as an objective,**
17 **setting aside the plea agreement that you had**
18 **negotiated for Jeffrey Epstein, correct?**
19 MR. SCOTT: Objection, form. Go ahead if
20 you can answer it.
21 A. There were multiple motives. One of the
22 motives was crassly financial. They were trying to
23 line their pockets with money. But as I also said,
24 and I said this over and over again, they profiled
25 me. They sat down with their client, knowing that

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1 she has a history of lying, knowing that she is
2 easily suggestible, and they basically pressured
3 her, according to my sources, into including me when
4 she didn't want to include me, because by including
5 me, they could make a claim, false as it was, could
6 make a false claim that a person who negotiated the
7 NPA was also criminally involved with her.
8 They also lied -- lied unethically and
9 unprofessionally by saying that I negotiated that
10 provision of the NPA, which gave me, myself, any
11 kind of immunity from prosecution had I had improper
12 sex with Virginia Roberts, which, of course, I did
13 not. And that was one of the bases on which I was
14 certain that they had engaged in unprofessional,
15 disbarrable and unethical conduct by including that
16 provision, as well as including a provision that
17 Prince Andrew was included because he, Prince
18 Andrew, pressured a United States attorney to try to
19 get a good deal for Jeffrey Epstein.
20 That is so laughable. How any lawyer
21 could put that in a pleading, it doesn't pass even
22 the minimal giggle test. And I'm embarrassed for
23 Professor Cassell that he would have signed his name
24 to a pleading that alleges that Prince Andrew would
25 pressure the United States attorney for the Southern

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1 District of Florida into giving Jeffrey Epstein a
2 good deal.
3 MR. SCAROLA: Move to strike the
4 unresponsive portions of the answer. And
5 obviously the break didn't do any good.
6 MR. SCOTT: Let's proceed.
7 MR. SCAROLA: We're going to.
8 BY MR. SCAROLA:
9 **Q. You stated, quote: "If they," referring**
10 **to Bradley Edwards and Paul Cassell, "could find a**
11 **lawyer who helped draft the agreement" --**
12 A. Right.
13 **Q. -- "who also was a criminal having sex,**
14 **wow, that could help them blow up the agreement."**
15 **Did you make that statement on --**
16 A. Yes. I just repeated it now, yes, under
17 oath, yes.
18 **Q. Did you state the following in that same**
19 **interview: "So they," referring to Bradley Edwards,**
20 **Paul Cassell and Virginia Roberts, "sat down**
21 **together, the three of them, these two sleazy,**
22 **unprofessional disbarrable lawyers" --**
23 A. Uh-huh, uh-huh.
24 **Q. -- "they said" --**
25 MR. SCOTT: Let him ask the question.

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BY MR. SCAROLA:

Q. -- "who would fit into this description? They and the woman got together and contrived and made this up."

Did you make that statement on national television?

A. Yes, and I just repeated it under oath. I believe that to be the case. I think that's exactly what happened. And I think that my source has corroborated that.

By the way, can I add at this point -- I don't mean to distract you, but I think the record would be more complete if I indicated that I did get a phone call last night from Michael, who told me that he had received numerous phone calls and texts from Virginia Roberts trying to persuade her not to talk to me or cooperate with me and offering the help of a lawyer.

And I also -- although you didn't ask the question, Mr. Scarola, I think for completeness and fullness, I do want to say that you asked me whether or not I knew about what could be taped and what couldn't be taped. I did tape record some of what Virginia Roberts [sic.] told me, with her

permission, and I have those tape recordings.

Q. Well, you're getting a little bit overexcited, Mr. Dershowitz, because you never tape recorded anything that Virginia Roberts told you.

A. Did I say Virginia Roberts?

Q. You misspoke.

A. I misspoke. You wouldn't know that. But, in fact, let me be clear.

I tape recorded, with her permission, Rebecca's statements to me about what Virginia Roberts had told her. And I just want to make sure that for completeness, even though you didn't ask the question yesterday, that's part of the record.

Q. Well, I actually did ask the question and my recollection is that you said you didn't even think about tape recording anything --

MR. SCOTT: No, that's not accurate. You never asked that.

BY MR. SCAROLA:

Q. But can you tell us, please, did you turn over those tape recordings in the discovery that you were required to make in this case?

A. The discovery -- these events occurred after April of 2015. And I certainly turned over the recordings and the -- recordings to my lawyers,

who made transcripts of them.

Q. Did you turn them over to opposing counsel --

MR. SCOTT: The transcripts --

BY MR. SCAROLA:

Q. -- in the course of discovery?

MR. SCOTT: The transcripts we consider to be work product. If you make a request to produce, we'll provide them.

MR. SIMPSON: Just for completeness, they were also after your discovery request.

MR. SCOTT: Request to produce, we'll consider providing them.

BY MR. SCAROLA:

Q. Is there an entry in any privilege log that identifies these allegedly privileged work product documents?

MR. SIMPSON: We will -- the lawyers will address the document production issues. But two things, Mr. Scarola, first, they postdate your request and you have said several times there's no duty to supplement. And second, they're work product.

MR. SCAROLA: Well, sir, if they postdated a full and complete production, which we are

now told they do not, then you wouldn't be obliged to supplement the production that had already been completed. But it is not the date of the request that matters, it is the date of the production that matters.

And what we're now being told is there are allegedly highly relevant transcripts of a telephone conversation that occurred months ago when the last production that we received, which we are told still is not complete, occurred approximately two weeks ago.

So, there's no privilege log entry. There's no production of these documents. And there is clearly a very significant discovery violation if, in fact, such documents exist.

MR. SIMPSON: I'm not going to debate it here, Mr. Scarola, but your assertions are not accurate.

MR. SCAROLA: All right. There also was a subpoena duces tecum that was responded to tomorrow -- I'm sorry, yesterday. Can you tell us whether the documents that are now being described are included in response to the subpoena duces tecum on the flash drive that you provided to us?

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MR. SIMPSON: The flash drive is the same as the document production.

MR. SCAROLA: So the answer is no, they're not there; is that correct?

MR. SIMPSON: Correct.

MR. SCAROLA: Okay. And what's the explanation for that?

MR. SIMPSON: I'm not going to debate this on the record with you, Mr. Scarola.

MR. SCAROLA: All right. Thank you.

BY MR. SCAROLA:

Q. Which conversation with Rebecca did you tape record?

A. I tape recorded a conversation with her permission where she told me that she was pressured, she didn't -- where Rebecca told me that Virginia was pressured and that she didn't want to name me but she was pressured to name me, that she had never previously named me.

By the way, I told this to Virginia Roberts' lawyer.

MS. McCAWLEY: Objection. To the extent you're going to reveal anything that was said during settlement discussions, I'm moving for sanctions, period. We're not doing this today.

Please instruct the witness.

MR. SCOTT: Avoid that. We discussed that yesterday.

THE WITNESS: That's fine.

BY MR. SCAROLA:

Q. What was the date of the phone conversation that you tape recorded?

A. I don't recall. But it's on the transcript.

Q. And does it also reflect that the recording is being made with her permission?

A. Uh-huh.

Q. That's a yes?

A. Yes. Yes, that's a yes.

Q. What is Rebecca's last name?

A. You know Rebecca's last name and she has asked me not to reveal it to the press. And so I would like to comply with that -- with that request. For purposes of discovery, you know her name, you know her husband's name, you know her phone number, and she has been called. But there's no reason for me to reveal it so that it appears in the press that she would be called by newspapers and by the media.

Q. Mr. Dershowitz, how do you know what I know if you haven't told me?

A. I know what you know because I'm a logical person and I know that Virginia -- I know that Virginia Roberts repeatedly called this -- this woman and her husband, repeatedly text her, and knows her name. And you and Virginia Roberts' lawyers are operating in privity here. You're whispering to each other, you're passing notes. You are part of a joint legal team.

And if you want to know her name, all you have to do is ask Sigrid McCawley and she'll tell you her name. I'm sure you know her name. And if you don't know her name, it's because you haven't asked.

Q. Okay. Well, I'm asking you --

A. I'm not going to tell you --

Q. -- and I'm telling you I don't know her name.

A. Okay.

Q. Okay? As an officer of the court, I am telling you I don't know her name. And you are under oath and obliged to answer material and relevant questions, and I want to know what her name is.

MR. SCOTT: I will provide you the name off the record, but I'm not -- if he feels it's

inappropriate because of what -- he's not going to answer the question. I will provide you the name.

BY MR. SCAROLA:

Q. Okay. She has still insisted that her name not be revealed; is that correct?

A. Her husband asked me to do whatever I could not to put her name in front of the press, in front of the media.

Q. There's no -- there's no one from the press here today.

MR. SCOTT: Yeah, but they're going to order the transcript and they're going to see, so that's the same thing. And I've already told --

A. You will have her name in five --

MR. SCOTT: I will give you her name --

A. -- minutes. All you have to do is --

MR. SCOTT: And, Jack, if you want to take a break now --

THE REPORTER: Hold on. Hold on, gentlemen. You can't talk at the same time.

MR. SCOTT: Let me do the talking at this point.

THE WITNESS: Please.

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1 BY MR. SCAROLA:
2 **Q. What's her phone number?**
3 A. Her phone number is known to Virginia
4 Roberts and presumably -- and to Virginia Roberts'
5 lawyers because she received phone calls from
6 Virginia Roberts' lawyers. So all you have to do is
7 ask your colleagues and you will get that. But I
8 think there's no reason to put her phone number in
9 the public record so that she will receive massive
10 amounts of phone calls from the media. Seems to me
11 that any -- that a judge would try to prevent that
12 from happening. I would hope so. And I'm -- you
13 can get the name and the phone number from my lawyer
14 as long as it's --
15 MR. SCOTT: We'll provide that.
16 A. -- done off the record, not so that the
17 media can see it.
18 BY MR. SCAROLA:
19 **Q. You just swore under oath that lawyers**
20 **contacted Rebecca; is that correct?**
21 A. I swore under oath that I was told by
22 Michael that lawyers contacted Rebecca, yes.
23 **Q. Which lawyers?**
24 A. I don't know the answer to that.
25 **Q. Did you ask him?**

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1 A. I did.
2 **Q. And he said, I --**
3 A. He wouldn't answer that.
4 **Q. -- refuse to tell you?**
5 A. No, he didn't know the answer to that
6 either because he didn't return the phone calls. He
7 said --
8 **Q. How did he know they were lawyers if he**
9 **didn't return the phone calls?**
10 A. Because they left messages, presumably.
11 **Q. With names that identified them as**
12 **lawyers; is that right?**
13 MR. SCOTT: You're arguing with the
14 witness --
15 A. I don't know the answer to that.
16 MR. SCAROLA: No, I'm trying to find out
17 whether there's any logical basis for the
18 stories that the witness is telling.
19 MR. SCOTT: And I think he's trying to
20 explain it. And I think he's trying to do it
21 in an easy, slow format. So, you know --
22 MR. SCAROLA: Okay. Well, let's take it
23 easy --
24 MR. SCOTT: -- if we all take -- if we all
25 take the tension down here, maybe we can get

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1 more accomplished.
2 MR. SCAROLA: Let's take it easy and slow.
3 BY MR. SCAROLA:
4 **Q. How did Michael tell you he knew these**
5 **people he didn't speak to were lawyers?**
6 A. He told me that he received a phone call
7 from Virginia Roberts. That then his wife received
8 numerous phone calls and texts from her all through
9 the night. And that they received phone calls as
10 well from her lawyers. One of them had a Miami
11 phone number.
12 And I don't know how he knew they were
13 lawyers. But that's what he conveyed to me. All I
14 can tell you is what he told me, and I'm telling you
15 that.
16 **Q. Did you ask him for the phone number?**
17 A. I did not.
18 **Q. Why not?**
19 A. I didn't think it was appropriate or
20 necessary.
21 **Q. What was inappropriate about asking for**
22 **the phone number to find out who was attempting to**
23 **contact this witness?**
24 A. I was not particularly interested in that.
25 All I was interested in was getting the truth from

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1 the witness and trying to prevent her from having a
2 media barrage that would interfere with their lives.
3 **Q. You told Don Lemon on CNN that the flight**
4 **manifests would exonerate you, prove that you were**
5 **not in the same place at the same time as Virginia**
6 **Roberts, correct?**
7 A. That's right. And that's true.
8 **Q. You also told Don Lemon, quote, "I am**
9 **waiving the statute of limitations or any immunity."**
10 A. That's right.
11 **Q. You were then subsequently asked to waive**
12 **the statute of limitations and refused to, correct?**
13 A. Absolutely false.
14 I waived the statute of limitations by
15 submitting a statement under oath. Had I not
16 submitted that statement under oath, the statute of
17 limitations would have been long gone. But by
18 stating under oath categorically that I did not have
19 any sexual contact with her, I waived the statute of
20 limitations and could be prosecuted for the next
21 five or so years for perjury in what I said was
22 false.
23 But what I said was true, so I have no
24 fear of any statute of limitations or any criminal
25 prosecution. So, yes, I did waive the statute of

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limitations, yes.

Q. You refused to waive the statute of limitations with regard to sexual crimes, correct?

A. I didn't refuse anything. I didn't feel I had any obligation to respond to you. And I did not.

Q. So, you were asked to waive the statute of limitations with regard to your sexual crimes and you refused to respond?

A. I was asked by you, utterly inappropriately, and what I had said -- and if you check what I said, I said if any reasonable prosecutor were to investigate the case and find that there was any basis, I would then waive the statute of limitations. I didn't waive the statute of limitations because you, a lawyer, for two unprofessional, unethical lawyers asked me to do so, what obligation do I have to respond to you?

Q. Well, you have no obligation to respond to me at all, Mr. Dershowitz, except now while you are under oath and I am asking you questions and I would greatly appreciate you responding to the questions that I ask.

MR. SCOTT: I think he's trying.

BY MR. SCAROLA:

Q. You made the further statement in that same interview, "They dropped the dime on the media when they filed it," referring to the CVRA pleading --

A. Right.

Q. -- in which were you named?

A. Right.

Q. What is the basis for that statement?

A. The basis for that statement was that the filing was done virtually on the eve of New Year's on a day that the press was completely dead. And nonetheless, immediately upon the filing, I got a barrage of phone calls that led me to conclude, and led many, many, many other lawyers who called me to conclude that obviously somebody tipped somebody off that they didn't just happen to file -- to find in the middle of an obscure pleading which didn't even have a heading that indicated that I was involved or anybody else was involved.

So, I'm certain that a dime was dropped to somebody saying, by the way, you want an interesting story, there's -- Prince Andrew of Great Britain and Alan Dershowitz have been accused of sexual misconduct. I still believe that.

Q. And by dropping the dime on the media when they filed it, you intended to convey the message that Paul Cassell and Bradley Edwards intentionally generated the focus of press attention on that filing; is that correct?

A. Absolutely. Absolutely without any doubt. Why else would they have brought Prince Andrew into this filing? Prince Andrew had no connection to the NPA, no relevance at all. But they knew that by including Prince Andrew, this would drag my name into every single newspaper and media outlet in the world.

It was outrageous for them to do this. Particularly because they did so little, if any, investigation, which will, of course, be determined when they're deposed. And -- and --

Q. Well, you've already made that determination, right?

MR. SCOTT: Wait.

A. I'm convinced that -- that they did little or no investigation. They never even bothered to call me. That would have been --

BY MR. SCAROLA:

Q. We'll get to that in just a moment.

A. -- a simple basic thing.

Q. But right now -- right now could you please tell us was there anything other than your inferring that they must have contacted the media to support your conclusion that either Paul Cassell or Brad Edwards did, in fact, alert the media at the time of the filing of this pleading?

A. Yes.

Q. What else besides your inference?

A. When the BBC came to see me, the BBC reporter showed me an e-mail from Paul Cassell, which urged him, the BBC reporter, to ask me a series of questions. So I knew that Paul Cassell was in touch with the British media and was trying to stimulate and initiate embarrassing questions to be asked of me.

And when I spoke to a number of reporters, they certainly -- obviously reporters have privilege, but they said things that certainly led me to infer that they had been in close touch with your clients or representatives on their behalf.

Q. What was the date of the e-mail --

A. I don't know.

Q. -- that you referenced in that response?

A. I don't know.

Q. Well --

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A. It was whenever -- I'm not sure I ever saw the date. He just quickly showed me the e-mail and I quickly looked at it.

Q. The e-mail that you are referencing, in fact, occurred after you had begun all of your media appearances with respect to this filing --

A. Let me be very clear about --

Q. -- didn't it, sir?

A. Let me be very clear about my media appearances so that I --

Q. How about just answering the questions?

A. I'm trying to answer the question. All of my media appearances --

Q. The question is: Did it occur before or after your media -- your media appearances? That doesn't call for a speech --

A. It came --

Q. -- it calls for before or after.

A. It came before some and after some. It came, for example, before my appearance on the BBC because they showed me the e-mail before they interviewed me for the BBC. So some occurred -- it occurred before some and it occurred after some.

Q. All right. So it is your assertion that this single e-mail that you have made reference to

where Paul Cassell says "asks Dershowitz these questions" occurred before your -- your media appearances and after your media appearances; is that correct?

MR. SCOTT: Objection, form, argumentative and repetitious.

A. It occurred before some of the media appearances, and it occurred after some of media appearances, yes.

BY MR. SCAROLA:

Q. Did it occur before your first media appearances?

A. My first media appearances came as the result of phone calls I received from --

Q. That's nonresponsive to my question, sir.

A. -- newspapers --

Q. I didn't ask you anything about what your first media appearances occurred --

A. Yes, you did.

Q. -- as a result of. I asked you --

MR. SCOTT: Let him ask his question.

BY MR. SCAROLA:

Q. -- whether the e-mail that you claimed to have seen was sent before or after your first media appearance?

MR. SCOTT: I think he's answered that twice.

A. It came after. It came after.

BY MR. SCAROLA:

Q. Thank you, sir. On January 5, you made another CNN Live appearance in an interview with Hala Gorani. Do you recall that?

A. I do not recall the name of the person --

Q. Take a look at the transcript, if you would, please, page 15.

MR. SCOTT: Take a moment to review the transcript, please, Mr. Dershowitz.

THE WITNESS: Page 15.

MR. SCOTT: Take your time to review that.

A. Yeah, that name is not familiar to me but, of course, I remember doing an interview, yes.

BY MR. SCAROLA:

Q. All right, sir. And during the course of that interview, you said: "There are flight manifests. They will prove I was never on any private airplane with any young woman." Correct?

A. Yes.

Q. Go to page 17, if you would.

A. Uh-huh.

Q. At line 4 of transcript of that same

interview, you said: "She made the whole thing up out of whole cloth. I can prove it by flight records. I can prove it by my travel records."

Did you make those statements?

A. Yes, and they're absolutely true.

Q. Okay. I am going to hand you every flight record that has been produced in connection with this litigation.

A. Uh-huh.

MR. SCAROLA: Could we mark that as the next composite exhibit, please?

(Thereupon, marked as Plaintiff Exhibit 6.)

MR. SCAROLA: And mark this as the next composite exhibit, which will be 7.

MR. SCOTT: These are all the flight manuals?

MR. SCAROLA: As far as I know.

MR. SCOTT: Okay.

MR. SCAROLA: They're the only ones that have been produced in discovery. If there are more, I'm going to be interested to hear about it.

(Thereupon, marked as Plaintiff Exhibit 7.)

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(Discussion off the record.)
THE WITNESS: What's Number 6 then? I'm confused, there were two.
BY MR. SCAROLA:
Q. Have you ever seen Exhibit Number 6 before?
A. Exhibit Number 6. I don't believe so. It doesn't look familiar to me.
Q. No?
A. It does not look familiar to me.
Q. Did you bother at any time to review discovery that was produced by Bradley Edwards and Paul Cassell responding to requests for information that supported the allegations of Virginia Roberts?
A. I'm not clear what you're asking.
Q. I want to know --
A. In which case? In which case are we talking?
Q. This case. This case.
A. Right.
Q. Did you ever bother to review the discovery produced in this case responding to requests for all of the information that supported their belief in the truthfulness of Virginia Roberts' allegations against you?

A. I don't know if I reviewed everything. But I certainly, in preparation for this deposition, reviewed some of the documents that were produced in discovery. But I can't say I reviewed them all.
Q. Well, having placed such substantial emphasis during the course of your public appearances on the flight logs exonerating you, it would certainly seem logical that one of the things that you would want to review would be all of the available -- all of the available flight logs, right?
A. No.
MR. SCOTT: Objection, argumentative.
A. No.
BY MR. SCAROLA:
Q. No?
A. No. Look, I knew I was never on a plane with any underage females under any circumstances. I knew that. I knew that as certainly as I'm sitting here today. So, I knew absolutely that if the manifests and the flight logs were accurate, they would, of course, exonerate me because I am totally, completely, unequivocally innocent of any of these charges.
So of course I knew that I would be

exonerated by any flight logs that were innocent -- that were complete and accurate, of course.
Q. So you made the public statements repeatedly that the flight logs would exonerate you without having examined the flight logs to see whether they were accurate or not; is that correct?
A. Well, I knew -- I knew that --
Q. Did you say those things without having examined the flight logs?
A. I said those things having looked at some of the flight logs at some point in time. But I knew for sure that the flight logs would exonerate me because I knew I was never on Jeffrey Epstein's plane with Virginia Roberts or any other young underage girls. So, I knew that to an absolute certainty. And I was prepared to say it. I'm prepared to say it again under oath here.
And if your clients had simply called me and told me they were planning to do this, we wouldn't be here today because I could have shown them in one day that it was impossible for me to have had sex with their client on the island, in the ranch, on the airplanes, in Palm Beach. And they would have, if they were decent and ethical lawyers, not filed that.

And there are cases, legal ethics cases that say that lawyers are obliged to make that phone call. Lawyers are obliged to check if it's easy to check. Lawyers are obliged to, particularly when they're making extremely heinous charges against a fellow lawyer, do very, very, detailed investigations. And they didn't do that in this case.
Q. I will represent to you that I have handed you all of the available flight logs produced in the discovery of this case. Could you show me, please, which of these flight logs exonerates you?
A. The absence of evidence is evidence of absence. None of the flight logs have me on an airplane with Virginia Roberts. None of the flight logs have me on an airplane during the relevant period of time when Virginia Roberts claims that she had sex with me in the presence of another woman.
So, the flight logs clearly exonerate me. There's absolutely no doubt about that.
Q. Well, the flight logs, in fact, confirm that you were in the same places at the same time as Virginia Roberts, don't they?
A. No, they do not.
Q. Do you -- do you deny that they confirm

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1 **that you were in the same place at the same time --**
2 A. First --
3 **Q. -- as Virginia Roberts?**
4 MR. SCOTT: Let him ask the question.
5 THE WITNESS: Okay.
6 MR. SCOTT: Then you answer the question.
7 And Mr. Scarola will try to, you know, keep the
8 emotion down, I'm sure, so we can get through
9 this with less acrimony between everybody here.
10 A. Your client has adamantly refused, as well
11 as the lawyer --
12 BY MR. SCAROLA:
13 **Q. No, sir, that's nonresponsive to my**
14 **question.**
15 MR. SCOTT: Wait a minute.
16 BY MR. SCAROLA:
17 **Q. My question is: Do you deny that the**
18 **flight logs corroborate that you were in the same**
19 **place at the same time as Virginia Roberts?**
20 A. So the question includes the word "time"
21 and, therefore, I must answer in this way. Your
22 client --
23 **Q. How to build a watch?**
24 MR. SCOTT: Wait a minute, you're cutting
25 him off. He's been trying to answer the

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1 question.
2 A. Your client has adamantly refused, and her
3 lawyers and your clients have refused to give me any
4 timeframes, any timeframes when your client claims
5 that she had improper -- falsely claims,
6 perjuriously claims that she had improper sexual
7 encounters with me.
8 So how can you possibly ask me a question
9 that includes the word "timeframes" when your client
10 has refused -- when Virginia Roberts has refused to
11 give any timeframes? How can it be possible that
12 the flight logs show me being in the same time and
13 same place with her when she has refused to describe
14 any of the times that she claims to have been in
15 those places?
16 So the answer to the question is
17 categorically no, sir.
18 BY MR. SCAROLA:
19 **Q. What is the question that you are**
20 **answering no to?**
21 A. Whether or not the timeframe shows that I
22 could have been in the same place at the same time
23 as your client. Absolutely not. Because we don't
24 know what times your client -- now, if you know
25 that, you should have produced them in discovery and

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1 I would be very anxious to see any timeframes when
2 Virginia Roberts claims she was with me on the
3 island, claims she was with me on -- at the ranch,
4 claims she was with me on the airplanes, claims she
5 was with me in Palm Beach. And they will all
6 conclusively --
7 **Q. You forgot --**
8 A. -- prove --
9 **Q. -- New York. Didn't you mean New York**
10 **also?**
11 A. No, I did not mean New York --
12 **Q. Oh, okay.**
13 A. -- because New York is very different. I
14 was, in fact, in New York for large periods of time.
15 I was not, in fact, on the island during the
16 relevant timeframe. I was not in the airplane in
17 the relevant timeframe. I was not in Jeffrey
18 Epstein's Palm Beach home in the relevant timeframe.
19 And I was once in the ranch but under circumstances
20 where it would have been absolutely impossible for
21 me to have had any contact with her.
22 So if you will give me the timeframe, I
23 will be happy to answer your question. But without
24 timeframes, that question is an absolutely
25 inappropriate question. And the answer to it is no.

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1 **Q. Well, Mr. Dershowitz, it might be**
2 **inappropriate if you had not repeatedly made the**
3 **public statements that the flight logs exonerate**
4 **you.**
5 A. They do.
6 **Q. So what I am attempting to find out is the**
7 **basis upon which you can contend that the flight**
8 **logs exonerate you if you are now telling us you**
9 **don't even know when it is that you are alleged to**
10 **have been in the same place at the same time as**
11 **Virginia Roberts.**
12 A. Okay.
13 **Q. So how -- how can you make both those**
14 **statements?**
15 A. Very simple, because I know the timeframe
16 that Virginia Roberts, A, knew Jeffrey Epstein. And
17 during that timeframe, I can conclusively prove that
18 I was never on Jeffrey Epstein's island where she
19 claimed to have sex with me. That the only time I
20 was at the ranch was with my wife, with the Ashe
21 family, with my daughter, the house was under
22 construction, we just simply stayed outside the
23 house and looked around. That the manifests show I
24 was never on Jeffrey Epstein's plane during that
25 period of time. And the manifests show that I never

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1 flew down to Palm Beach during that relevant period
2 of time.
3 So I have a timeframe not that was
4 provided by your client but that was provided by the
5 externalities of the case. And that timeframe
6 coupled with the manifests clearly exonerate me
7 without any doubt.
8 **Q. I want to make sure that I understood what**
9 **you just said. "I never flew down to Palm Beach**
10 **during the relevant timeframe"?**
11 A. I never flew down and stayed at Jeffrey's
12 house in Palm Beach during that relevant period of
13 time.
14 **Q. Okay. So you want to withdraw the**
15 **statement that you never flew down to Palm Beach --**
16 MR. SCOTT: Objection.
17 BY MR. SCAROLA:
18 **Q. -- during that relevant period of time --**
19 A. Let me be --
20 MR. SCOTT: Objection.
21 BY MR. SCAROLA:
22 **Q. -- and what you want to say is, "I never**
23 **flew down to Palm Beach and stayed at Jeffrey**
24 **Epstein's house during that timeframe period,"**
25 **correct?**

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1 MR. SCOTT: Objection, argumentative --
2 A. Let me be --
3 MR. SCOTT: -- mischaracterization.
4 A. Let me be clear. A, I never flew down on
5 Jeffrey Epstein's plane during the relevant period
6 of time.
7 BY MR. SCAROLA:
8 **Q. Flew down to where?**
9 A. To Palm Beach or anywhere else. I was
10 never on Jeffrey Epstein's plane, according to the
11 flight manifests and according to my own records,
12 during the relevant period of time.
13 I have independent records of my travel
14 which demonstrate that I was not in Jeffrey
15 Epstein's house during the relevant period of time.
16 And -- but the -- talking about the manifests, the
17 manifests conclusively prove that I was never on the
18 airplane during the relevant period of time.
19 So I don't know how you can claim that the
20 manifests show that I was with Virginia Roberts
21 during the relevant period of time. They do not do
22 that. And if you would testify under oath to that,
23 I think you could be subject to pretty -- pretty
24 scathing cross examination. So your statement is
25 categorically false, sir.

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1 **Q. Which of the manifests are you referring**
2 **to when you claim what you have claimed about the**
3 **manifests, Exhibit Number 6 or Exhibit Number 7?**
4 A. I can only tell you that I have reviewed
5 the manifests and they show, to me, that I was never
6 on Jeffrey Epstein's airplane during the relevant
7 period of time. That's all I can tell you now.
8 I'm not in a position where I look at all
9 these documents now. If you point me to any
10 particular trip that shows that I was on Jeffrey
11 Epstein's plane, I would be happy to respond to
12 that.
13 **Q. There are two separate collections of**
14 **documents purporting to be flight manifests for**
15 **Jeffrey Epstein's plane. When you made the public**
16 **statements that you made regarding the flight logs**
17 **or manifests exonerating you, were you referring to**
18 **Exhibit Number 6 or Exhibit Number 7?**
19 A. I have no recollection as to which
20 particular exhibits, which are formed for purposes
21 of the legal case, I had reviewed. I know I had
22 reviewed the manifests. Not only had I reviewed the
23 manifests, but others reviewed the manifests and
24 have conclusively told me that their review of the
25 manifests shows that I was right.

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1 **Q. Who else --**
2 MR. SCOTT: Avoid any attorney-client
3 communications either with Ms. -- you know,
4 with your current lawyers, please.
5 THE WITNESS: Okay.
6 BY MR. SCAROLA:
7 **Q. Who told you that they had reviewed the**
8 **manifests and they confirmed your position?**
9 MR. SCOTT: Objection, work product.
10 MR. SCAROLA: Well, you know, Mr. Scott,
11 he can't have it both ways. He can't insert
12 into the record the gratuitous statements that
13 he inserts into the record regarding others
14 having corroborated his inaccurate testimony,
15 and then refuse to tell us who those others
16 are. It constitutes a waiver of whatever
17 privilege might exist.
18 MR. SCOTT: He can -- he can tell who they
19 are. I'm just saying he can't go into
20 communications with them.
21 MR. SCAROLA: Well, he's already said what
22 the communication was. The communication was
23 these manifests prove your position.
24 MR. SCOTT: And he's answered that because
25 based on his review of them, Mr. Scarola.

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BY MR. SCAROLA:

Q. Who told you that the manifests confirm the accuracy of your public statements?

MR. SCOTT: If it involves lawyer-client privilege, don't answer it.

THE WITNESS: Okay.

BY MR. SCAROLA:

Q. You're refusing to answer?

A. No, I would like --

MR. SCOTT: Instruct you not to answer.

A. -- to answer. But I've been instructed not to answer. I would like to answer.

You've made a statement --

MR. SCOTT: There's no question pending.

THE WITNESS: But he made a statement --

MR. SCOTT: But there's no question pending, sir.

BY MR. SCAROLA:

Q. What does it mean to make something up out of whole cloth?

A. It means that Virginia Roberts and your clients --

Q. No, sir, I haven't asked you anything about Virginia Roberts. I haven't asked you anything about my clients.

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I want to know what the words "making something up out of whole cloth" mean.

A. I said those words in the context of Virginia Roberts.

MR. SCOTT: That's -- that's fine. Go ahead.

BY MR. SCAROLA:

Q. What do the words mean?

A. That there was absolutely no basis for Virginia Roberts' claim that she had any sexual contact with me. That the story was entirely false. I don't know where the metaphor derives about whole cloth, but certainly that's the common understanding. And I repeat under oath that Virginia Roberts made up the entire story about having sexual contact with me out of whole cloth.

Q. During the course of the same interview that we have been referencing with Hala Gorani -- for the record, that's H-A-L-A, G-O-R-A-N-I.

A. What page?

Q. Page 19.

You were asked: "I'm wondering, have you spoken to Jeffrey Epstein about this since these allegations came out in this suit in the United States? Have conversations happened there?"

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MR. INDYKE: Objection. This is Darren. Anything that relates to your conversations with Jeffrey --

THE REPORTER: He's going to have to speak up.

MR. SCOTT: You're going to have to speak up a little bit more, Counsel.

MR. INDYKE: Objection. This is Darren Indyke. Anything that Alan might have to say to that, to the extent they are covered under conversations with Jeffrey Epstein, privileged under attorney-client privileges as well as common interest privileges.

MR. SCOTT: Do you understand?

THE WITNESS: I do.

BY MR. SCAROLA:

Q. To which your response was: "Sure, sure, certainly I have been his lawyer and I did speak to him about it. I wanted to make sure that his memory and mine coordinated about when I was at his island. He was able to check. I was able to check. I checked with my friends who went with me."

Did you make that answer to that question?

A. Yes.

Q. Disclosing the contents of your

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communication with Jeffrey Epstein, correct?

A. I disclosed that I had spoken to him to find out whether he had any records of when I was on his island. And, yes.

MR. INDYKE: Again, this is Darren Indyke. Jeffrey does not waive any attorney-client privileges here.

BY MR. SCAROLA:

Q. Well, the reason why you were able to answer that question and discuss with the press what Jeffrey Epstein was telling you was because you weren't his lawyer at that time, right?

A. No, I was his lawyer at that time. I'm still his lawyer.

Q. Oh, what were you representing him on then --

A. The ongoing --

Q. -- that is, on January --

MR. SCOTT: Whoa.

BY MR. SCAROLA:

Q. -- on January 5, 2015?

A. The ongoing --

MR. INDYKE: My objection stands.

MR. SCOTT: You can answer what you were representing him on, I think.

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A. The ongoing issues --

MR. SCOTT: But nothing about communications.

A. Right. The ongoing issues relating to the NPA, which continue to this day. And I regard myself as his lawyer basically on all those -- all those issues.

BY MR. SCAROLA:

Q. So, when the pleadings were filed in the Crime Victims Rights Act regarding your conduct in relationship to Virginia Roberts and Jeffrey Epstein, you were and still are his lawyer in the Crime Victim's Rights Act case; is that correct?

A. I certainly am bound by lawyer-client privilege and communications, yes.

Q. Okay. You go on to say in that same interview: "Only once in my life have I been in that area," referring to New Mexico.

A. Yes.

Q. "Only once in my life did my travel records show I was in New Mexico."

A. Uh-huh.

Q. Is that an accurate statement?

A. To the best of my knowledge. I have no recollection of being in New Mexico other than

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during that visit to the Ashes, which was not during the -- the narrower timeframe.

The narrower timeframe, remember, is Virginia Roberts meets Jeffrey Epstein in the late summer, the summer just before she's turning 16, of 1999. She says she didn't commence having sexual activities with any of Epstein's friends until nine months later. That would put it in March or April of 2000. This visit occurred in January of 2000. It's the only time I recall having been in New Mexico.

Q. Okay. I want to be sure now. You're not just saying that you were only at Jeffrey Epstein's ranch in New Mexico once; you are confirming your statement on national television that you have only been in New Mexico one time?

A. My recollection right now is that I was only there once. I have no -- no other recollection of -- it's conceivable when I was a very young man, I could have been there. But I have no recollection of having been there. It certainly -- certainly I haven't been there recently. And during the relevant time period, I know I haven't been there.

Q. "Recently" means --

A. Fifteen --

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Q. -- the last 10 years?

A. I would say 15 --

Q. Last 15 --

A. -- years.

Q. -- how about the last 20 years?

A. I have -- I don't think so.

Q. Okay.

A. As I stand here today, I have no recollection of ever being in New Mexico except to visit the Ashes in January of 2000.

I'm 77 years old. I've lived a long life. It is certainly possible that at some earlier point in my life -- I mean, I've been in most of the states. But I have no recollection of ever being in New Mexico.

And I can tell you unequivocally the only time I was ever at Jeffrey Epstein's ranch was that one time with my wife with the Ashes, with my daughter. And we only stayed there for an hour and the house was not completed. It was under construction. And I certainly did not have any sexual encounter or any encounter with Virginia Roberts during that visit.

MR. SCAROLA: Move to strike the unresponsive portions of the answer.

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MR. SCOTT: We don't agree on that point, so let's go ahead.

MR. SCAROLA: It's of any help, I can agree that you don't agree to any of my objections.

MR. SCOTT: No, that's not true. I mean, I'm trying to work with you, sir.

I have to tell you, this -- this is obviously one of the most acrimonious depositions I've sat through in my 40 plus years because of the personalities involved here and because of the personal issues. And it's quite difficult for everybody in this room.

MR. SCAROLA: I agree.

MR. SCOTT: And all I'm saying, and my client is -- who's 77, is trying to defend his life. And I understand you're trying to vigorously -- and you're a great lawyer -- represent your clients. And it's -- this is not the typical deposition. And we're trying our very best, both of us.

MR. SCAROLA: Thank you. And you're right, you and I do agree on something.

MR. SCOTT: As you said yesterday, more

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often than we usually say.

MR. SCAROLA: Yes, sir.

BY MR. SCAROLA:

Q. In interviews on January 4 and January 5, you claim to have completed the necessary work to identify documents exonerating you within an hour after learning of the accusations that were made, correct?

A. I don't remember having said that. But within a minute, I had clear knowledge that every document in the world would exonerate me because I knew for absolute certainty that every aspect of her allegation was totally false. That's why I challenged the other side to produce videos, to produce photographs. I knew that there could be no evidence inculpating me because I knew I was innocent. So I knew that all of my records would prove that.

Facts are facts. And I just wasn't in any contact or any sexual contact with Virginia Roberts, and I knew with absolute certainty that the facts would completely exonerate me. And if your clients had just called me, at the courtesy of simply calling me, I would have been able to point them to Professor Michael Porter of the Harvard Business

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School. I would have been able to -- to alert them to the Ashes. I would have been able to tell them that I keep little black books which have all of my travel information. Although they were in the basement of Martha's Vineyard, I would have been happy to go up and get them.

If they had just simply called me, I would have been able to persuade them without any doubt that these allegations were false. If they needed any persuading because I believe, as I sit here today, that they knew they were false at the time -- certainly should have known, but I believe knew they were false at the time that they leveled them.

Q. My question related to your gathering documents that you claim exonerated you --

A. That's right.

Q. -- and your public statements were that within an hour, you --

A. Can you --

Q. -- had gathered the documents --

MR. SCOTT: Listen to the question.

BY MR. SCAROLA:

Q. -- you had gathered the documents that exonerated you, correct?

MR. SCOTT: You can refer.

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A. Where? Where? Can you point to that?

BY MR. SCAROLA:

Q. Well, I'm asking you, sir, based upon your superb memory whether you remember having said --

MR. SCOTT: No, we're going to do --

BY MR. SCAROLA:

Q. -- on Jan --

MR. SCOTT: He's going to take a moment to review the transcript and -- and that's -- any witness is entitled to do that. So why don't we take a break, he'll review transcript and we'll come back? We've been going an hour --

MR. SCAROLA: Because I haven't asked him a question about the transcript.

MR. SCOTT: You've asked --

MR. SCAROLA: I'm asking him a question about his recollection.

MR. SCOTT: Based upon what he said in the transcript.

MR. SCAROLA: No, I'm asking him whether he has a recollection of having made public statements that within an hour, he had gathered the documents that proved his innocence, exonerated him.

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BY MR. SCAROLA:

Q. Do you remember having made those statements?

A. I do not, but it's true. I was able to gather documents literally within an hour. I was able to call Tom Ashe. He was able to access his daughter's journal notes that I had taught his daughter's class. I was able to find out where my other documents were.

My wife made some phone calls immediately. We called the Canyon Ranch. We called and determined the dates of when I was in Florida. We called the Porters. We very, very, very quickly were able to gather information that conclusively would prove that she was lying about me having had sex with me on the island, in the ranch, particularly those two I was able to prove conclusively.

And when a woman lies deliberately and willfully about two instances where she in great detail claims she had had sex, I think you can be clear that you should discount any other -- any other false allegations.

MR. SCOTT: We've been going for an hour. Let's take a break for a few minutes. Then we

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1 have another hour.
2 MR. SCAROLA: I'm almost ready to take a
3 break.
4 MR. SCOTT: Okay.
5 MR. SCAROLA: Could you read back the last
6 question, please?
7 First of all, I move to strike the
8 unresponsive speech.
9 And now read back the last question, if
10 you would.
11 (Requested portion read back as follows:)
12 THE REPORTER: "Do you remember having
13 made those statements?"
14 Do you want me to read prior to that?
15 MR. SCAROLA: No, that's fine. That's the
16 question that I asked.
17 BY MR. SCAROLA:
18 **Q. Is the answer yes?**
19 A. I don't remember specifically. I do
20 generally remember having said that your clients
21 could have easily discovered conclusive proof that
22 Virginia Roberts was lying about me and that I
23 had -- because I knew, of course, it was false --
24 MR. SCAROLA: Tom --
25 A. -- been able to uncover such proof.

1 MR. SCAROLA: That has nothing to do with
2 the question I asked --
3 MR. SCOTT: Let's take -- let's take a
4 break like I suggested and we'll come back and
5 then you can ask your question and -- okay?
6 MR. SCAROLA: Well, while the question is
7 pending, I would like an answer to the question
8 before we break.
9 MR. SCOTT: Did you answer the question?
10 THE WITNESS: I thought I did.
11 A. But what -- could you repeat the question?
12 I'll try to answer it in a yes or no if I can.
13 BY MR. SCAROLA:
14 **Q. Did you make the statement that within an**
15 **hour of learning of these allegations, you had**
16 **gathered documents that completely exonerated you?**
17 A. I don't recall those specific words --
18 **Q. Thank you, sir.**
19 A. -- but the truth --
20 MR. SCOTT: That's it, and I think he
21 indicated that before.
22 MR. SCAROLA: That would be very helpful
23 if we said that and then we stopped and we can
24 take a break.
25 MR. SCOTT: He previously had said that

1 and then explained it but now you have it
2 directly answered. So we're -- we're at a
3 break point.
4 MR. SCAROLA: Thank you.
5 VIDEOGRAPHER: Going off the record. The
6 time is approximately 11:01 a.m.
7 (Recess was held from 11:01 a.m. until 11:23 a.m.)
8 VIDEOGRAPHER: Going back on the record.
9 The time is approximately 11:23 a.m.
10 BY MR. SCAROLA:
11 **Q. When did you last travel from outside the**
12 **State of Florida to arrive in Florida?**
13 A. The day before yesterday, I think.
14 **Q. And where did you travel from?**
15 A. New York.
16 **Q. When were you last in Boston, in the**
17 **Boston area?**
18 A. About two weeks ago.
19 **Q. So, if anyone had represented that you**
20 **were going to be traveling from Boston to Florida**
21 **this past weekend, that would have been a**
22 **misrepresentation; is that correct?**
23 A. I have no idea what you're talking about.
24 **Q. Well, I'm talking about your personal**
25 **travels. If anyone had represented that you were**

1 **going to travel from Boston to Florida and canceled**
2 **travel arrangements from Boston to Florida this past**
3 **weekend, that would have been a misrepresentation,**
4 **correct?**
5 A. I have no idea what you're talking about.
6 I'm sorry.
7 **Q. Well, what is it that you don't understand**
8 **about that question? Either you were in --**
9 A. The basis --
10 **Q. -- Boston and were planning on traveling**
11 **from Boston to Florida this past weekend or the last**
12 **time you were in Boston was two weeks ago, so you**
13 **couldn't have been planning --**
14 A. I --
15 **Q. -- on traveling from Boston to Florida.**
16 A. I was actually in Boston -- now that I
17 checked my calendar, I was actually in Boston --
18 here, I have -- aha. It says -- and my calendar
19 says I was in Boston. Then it says leave for
20 Florida, but that got changed. Yes, that got
21 changed, right.
22 **Q. May I see that, please?**
23 A. No, this is my personal calendar.
24 **Q. Yes, I'm sorry, but if you refer to**
25 **anything to refresh your recollection --**

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A. I have --

Q. -- during the course of the deposition, I am permitted to examine it.

A. I have lawyer-client privileged information in here, so I can't give it to you. I can give it to you in a redacted form. I have a quote from David Boies in here, which I'm sure --

MR. SCOTT: Don't --

A. -- nobody is going to want to see --

MR. SCOTT: We'll make a copy and give it to you.

MR. SCAROLA: Thank you. Would you hand it to your counsel, please?

MR. SCOTT: On that note, hold on to that.

THE WITNESS: But I need that back.

MR. SCOTT: Of course. Don't worry.

MR. SIMPSON: Hold on to it.

MR. SCOTT: That's why I gave it to him because I'd lose it.

BY MR. SCAROLA:

Q. Before January 21, 2015, what information did you have regarding what Bradley Edwards and Paul Cassell had gathered in the course of investigating the accuracy of Virginia Roberts' accusations against you?

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A. Well, first, I knew that anything they gathered --

MR. INDYKE: Objection to the extent that requires --

MR. SCOTT: Whoa.

MS. McCAWLEY: -- you to disclose anything you gave --

THE COURT REPORTER: I can't hear. I'm sorry, Mr. Indyke, can you repeat your objection?

MR. SCOTT: Can you say that a little louder?

MR. INDYKE: Darren Indyke. I would object to the extent that your answer would disclose anything you -- you obtained or learned or any knowledge you gained in connection with your representation of Jeffrey Epstein.

MR. SCOTT: Do you understand that instruction?

THE WITNESS: I do, yes.

Could you repeat the question?

BY MR. SCAROLA:

Q. Yes, sir. I want to know what information you had regarding what Bradley Edwards and Paul

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Cassell had done in the course of their investigation of the credibility of the accusations made by Virginia Roberts against you?

A. Well, first and foremost, the most important piece of information I had was my firm and complete knowledge and memory that I had never had any sexual contact with Virginia Roberts ever under any circumstances or any other underage girls. So I knew --

Q. The question I'm asking, sir --

A. -- this information --

Q. -- focuses on what knowledge you had regarding what Bradley Edwards and Paul Cassell did in the course of their investigation of the credibility of the accusations against you made by Virginia Roberts?

A. That was the first and most important bit of information; namely, that I couldn't have done it and didn't do it. So I knew for sure that they could not have conducted any kind of valid investigation.

Second, I knew from -- that they also had a letter from Mr. Scarola that said that multiple witnesses had placed me in the presence of Jeffrey Epstein and underage girls and I knew that

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Mr. Scarola's letter was a patent lie. And they had access to that letter and that information.

I also knew they were relying on depositions of two house people of Jeffrey Epstein. And I've read these two depositions. And I'm sure I knew of other -- other information as well.

I knew that they had stated -- I knew that they had stated publicly, or you had stated publicly on their behalf as a witness, that you had stated publicly that you had tried to depose me on these -- on this subject. I knew that that was a blatant lie and unethical conduct because nobody ever tried to depose me on this subject.

I had never been accused, nor did I have any knowledge that anybody had ever falsely accused me of having any sexual encounters. And I had a great deal of information about the paucity or absence of any legitimate investigation. And I also knew that they hadn't called me, they hadn't tried to call me, there was no record of an attempt to call me or e-mail me. My e-mail is available on my website. My phone number is available on my website.

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1 of outrageous, horrible, inexcusable misconduct, at
2 least call the person and ask them if they can
3 disprove it before you file a -- a statement. Not
4 even asking for a hearing on it, not even basically
5 seeking to prove it, just -- just putting it in a
6 pleading as if scrolling on a bathroom stall.
7 So, yes, I had -- I had a great basis for
8 making that kind of statement and I repeat it here
9 today. And we will find out in depositions what
10 basis they actually had. And I'm anxiously awaiting
11 Mr. Cassell's deposition this afternoon.
12 MR. SCAROLA: Move to strike the
13 non-responsive portion of that answer.
14 Could I have a standing objection to
15 unresponsive --
16 MR. SCOTT: Sure.
17 MR. SCAROLA: -- answers? That would be
18 helpful. Thank you. I appreciate that. That
19 will save us --
20 MR. SCOTT: Absolutely. No, any time.
21 MR. SCAROLA: -- save us some time.
22 MR. SCOTT: Thank you, sir.
23 BY MR. SCAROLA:
24 **Q. The one portion of what you just said that**
25 **directly responded to my question was you knew in**

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1 **early January of 2015 that Bradley Edwards and Paul**
2 **Cassell had the sworn testimony of two -- did you**
3 **refer to them as house --**
4 A. House people.
5 **Q. House staff?**
6 A. House staff.
7 **Q. House staff of Jeffrey Epstein's --**
8 A. That's right.
9 **Q. -- correct?**
10 **And those two individuals are Juan Alessi**
11 **and Alfredo Rodriguez, correct?**
12 A. That's right.
13 **Q. And you, in fact, were aware of the**
14 **existence of that testimony from shortly after the**
15 **time that the testimony was given, weren't you?**
16 A. Well, I was certainly aware of it at the
17 time I made these statements.
18 **Q. Yes, sir. But you also knew as far back**
19 **as 2009, when this sworn testimony was given, that**
20 **you were specifically identified by name in the**
21 **sworn testimony of Jeffrey Epstein's house staff**
22 **members, right?**
23 A. I was identified by name in a manner that
24 completely exculpated me, yes.
25 **Q. Okay. Well, let's -- let's take a look at**

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1 **your assertion that the testimony of these two**
2 **individuals completely exculpates you.**
3 A. Uh-huh.
4 **Q. The following question was asked of --**
5 MR. SCOTT: What you are reading from?
6 MR. SCAROLA: I'm reading from the
7 deposition transcript.
8 BY MR. SCAROLA:
9 **Q. The following question was asked of --**
10 MR. SCOTT: The deposition transcript --
11 BY MR. SCAROLA:
12 **Q. -- of Mr. Juan -- Mr. Juan Alessi and --**
13 MR. SCOTT: Let me object to the -- first
14 of all, let me object to this format because he
15 has not been provided a part of the deposition.
16 You're reading portions from the deposition --
17 MR. SCAROLA: Yes, I am.
18 MR. SCOTT: -- which can be taken out of
19 context. He has not had the ability to review
20 the deposition. This is improper.
21 MR. SCAROLA: Okay.
22 MR. SCOTT: Cross-examination.
23 BY MR. SCAROLA:
24 **Q. Do you recall the following questions**
25 **having been asked of Mr. Alessi and the following**

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1 **answers have been given during the course of this**
2 **deposition which you contend completely exonerates**
3 **you?**
4 **"Question: Do you have any recollection**
5 **of VR, referring to Virginia Roberts, coming to**
6 **the house when Prince Andrew was there?**
7 **"Answer: It could have been, but I'm not**
8 **sure.**
9 **"Question: When Mr. Dershowitz was**
10 **visiting --**
11 **"Answer: Uh-huh.**
12 **"Question: -- how often did he come?**
13 **"Answer: He came pretty -- pretty often.**
14 **I would say at least four or five times a year.**
15 **"Question: And how long would he stay**
16 **typically?**
17 **"Answer: Two to three days.**
18 **"Question: Did he have massages sometimes**
19 **when he was there?**
20 **"Answer: Yes. A massage was like a treat**
21 **for everybody. If they wanted, we call the**
22 **massage, and they get -- excuse me -- and they**
23 **have a massage.**
24 **"Question: You said that you set up the**
25 **massage tables, and would you also set up the**

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oils and towels?

"Answer: Yes, ma'am.

"Question: And did you ever have occasion to go upstairs and clean up after the massages?

"Answer: Yeah, uh-huh.

"Question: Did you ever find any vibrators in that area?

"Answer: Yes. I told him yes.

"Question: Would you describe for me what kinds of vibrators you found?

"Answer: I'm not too familiar with the names, but they were like big dildos, what they call the big rubber things like that (indicating). And I used to go and put my gloves on and pick them up, put them in the sink, rinse it off and put it in Ms. Maxwell -- Ms. Maxwell had in her closet, she had like a laundry basket. And you put laundry in. She have full of those toys."

Is that testimony that exonerates you, Mr. Dershowitz? Is that what you were referring to?

MR. SCOTT: Let me -- objection to the form, improper cross examination by taking excerpts out of depositions of witnesses.

BY MR. SCAROLA:

Q. Is it your contention that that testimony, under oath, of your friend, Mr. Epstein's staff person, exonerates you?

A. First, a little background. Mr. Alessi was fired for theft of material from Mr. Epstein, so Mr. Alessi was not on a friendly basis with Jeffrey Epstein.

Second, the description of the dildos and sex toys clearly refers to the area of the house that I was never in, the area of Ms. Maxwell's room, rather than the area of the room that I stayed in.

Third, he gives no timeframe for the visits.

And, fourth, he certainly didn't in any way confirm that I was there while Virginia Roberts was there. His answer was simply that I was there from time to time. He's wrong about that. During the relevant timeframe, I was never in the house.

And even taking outside the relevant timeframe, the only time I was in the house for more than one day was when my family, my wife, my son, my daughter-in-law, my then probably seven or eight-year-old granddaughter, who just graduated Harvard, and my probably four-year-old grandson, who

is a third-year student at Harvard, were all there with me. That was the only time that I stayed over more than one night. And I never stayed even one night during the relevant timeframe.

But most importantly, he gives no timeframe. And clearly his reference to the sex toys is a reference to the part of the house that I was never permitted in and never entered.

Q. What is the question that you think you were answering?

A. Whether --

MR. SCOTT: He was explaining to you exactly why he felt that that was inappropriate, which is exactly what you asked him.

MR. SCAROLA: No, it is not.

MR. SCOTT: Well, it is my recollection, so I don't know --

MR. SCAROLA: Well, then --

MR. SCOTT: I think he was defending --

MR. SCAROLA: Let me try the same question over again.

MR. SCOTT: I think he was defending his -- his position.

THE WITNESS: Right.

BY MR. SCAROLA:

Q. The question was: Is that part of the time that you claim exonerates you?

A. Well, I think if you read the whole testimony, it clearly exonerates me and I think that part of the testimony in no way inculpates me and no reasonable person reading that could use that as a basis for making allegations that I had sexual encounters or misconduct with Virginia Roberts.

So, when -- if that's the best testimony that your unprofessional clients relied on, then clearly that exonerates me.

Again, the absence of evidence is evidence of absence. And the very idea that this is seen as some basis for concluding that I had sexual encounters with -- with Virginia Roberts, why wasn't he asked did he ever see me have a massage by Virginia Roberts? Did he ever see me have a sexual encounter with Virginia Roberts? Did he ever go to the room I was staying in and find any sex toys?

The answers to all those questions, if truthful, would be no.

Q. What was Mr. Alessi's motive against you? You've told us he was fired by Jeffrey Epstein, so he may have had some motive against Mr. Epstein.

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1 **What was his motive against you?**
2 A. I was Jeffrey Epstein's friend and lawyer
3 and, in fact -- well, I can't get into this. But I
4 can say this, I gave advice --
5 MR. SCOTT: Be careful about anything
6 involving --
7 THE WITNESS: Okay.
8 MR. SCOTT: -- Mr. Epstein, please.
9 A. He could easily have believed that I was
10 one of the causes of his firing.
11 BY MR. SCAROLA:
12 **Q. So, he was -- he may have been angry at**
13 **you because you assisted in getting him fired?**
14 A. It's --
15 MR. SCOTT: Objection,
16 mischaracterization.
17 A. It's conjecture. It's possible. But in
18 any event, even --
19 BY MR. SCAROLA:
20 **Q. It's conjecture, is that what you were**
21 **about to say?**
22 A. I'm saying I have -- I don't know what he
23 was thinking, but there is a basis for him believing
24 that. But most -- most important, even if you take
25 everything he says as true, which it's not, it's

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1 exculpatory because it has no suggestion that I ever
2 had any sexual encounter with Virginia Roberts.
3 And if I were a lawyer reading that --
4 MR. SCOTT: It's okay?
5 A. -- I certainly would not base this heinous
6 accusation on that flimsy read.
7 BY MR. SCAROLA:
8 **Q. You know the context in which that**
9 **deposition was taken, don't you?**
10 A. I don't recall it as I'm sitting here
11 today.
12 **Q. Do you remember that the lawsuit in which**
13 **that deposition was taken was a lawsuit in which**
14 **Virginia Roberts was being represented by Bob**
15 **Josefsberg?**
16 A. No.
17 **Q. You know Bob Josefsberg, don't you?**
18 A. We -- we were classmates at law school.
19 **Q. You know Bob Josefsberg to be an extremely**
20 **ethical, highly professional and extraordinarily**
21 **well-respected lawyer, right?**
22 A. Absolutely, yes.
23 **Q. Absolutely?**
24 A. Yeah.
25 **Q. A man of impeccable honesty and integrity?**

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1 A. Yes.
2 **Q. A man who would never undertake to advance**
3 **the cause of a client whom he believed to be**
4 **incredible, right?**
5 A. Yes. And a man who told me and a man
6 who --
7 MR. SCOTT: That's it.
8 A. Okay. And a man who believes I'm
9 innocent.
10 BY MR. SCAROLA:
11 **Q. You know that Bob Josefsberg would never**
12 **file charges on behalf of a client alleging that she**
13 **was lent out by Jeffrey Epstein for purposes of**
14 **sexual abuse while she was a minor to academicians**
15 **unless he absolutely had confidence that those**
16 **statements were true --**
17 MR. SCOTT: Let me object --
18 BY MR. SCAROLA:
19 **Q. -- right?**
20 MR. SCOTT: -- that this is completely
21 irrelevant to the issues in this case.
22 Whatever Mr. Josefsberg thinks has nothing to
23 do with this lawsuit. This is all your effort
24 to try to put Josefsberg into this case to try
25 to give some justification to your position.

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1 A. I'll answer that question.
2 BY MR. SCAROLA:
3 **Q. Thank you.**
4 A. And I also know Bob Josefsberg and know
5 that he would never maintain a friendship, as he has
6 with me, if he believed that I was one of the,
7 quote, academicians --
8 **Q. Well, how about --**
9 A. -- with whom --
10 **Q. -- answering my question --**
11 MR. SCOTT: Wait a minute. No, no, no.
12 A. You're going to let me finish.
13 BY MR. SCAROLA:
14 **Q. I know I'm going to go, but I don't have**
15 **to like it --**
16 MR. SCOTT: Yeah, but --
17 BY MR. SCAROLA:
18 **Q. -- when you're not being responsive to the**
19 **questions that are being asked.**
20 MR. SCOTT: Yeah, but you're
21 interjecting --
22 BY MR. SCAROLA:
23 **Q. And --**
24 MR. SCOTT: You're interjecting questions
25 that are irrelevant utilizing Bob Josefsberg's

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relationship with him and he has an ability to justify and explain his position in response --

MR. SCAROLA: If it's responsive to the question.

A. It's responsive. And as far as the filibustering is --

BY MR. SCAROLA:

Q. Do you remember what the question is?

A. -- is concerned, I was here --

Q. Do you remember what the question was?

A. Yes. Yes.

Q. What is the question?

A. The question is -- no, why don't you repeat the question.

Q. Yes, sir.

A. So --

Q. You know that Bob Josefsberg would not advance allegations on behalf of a client that that client had been lent out by Jeffrey Epstein to satisfy the sexual desires of friends of Jeffrey Epstein, including academicians, unless Bob Josefsberg believed those allegations to be true, right?

A. I believe that -- I know that Bob Josefsberg would never maintain a friendship with

me, as he has, if he believed that I was one of those academicians. Bob Josefsberg knows that I was not one of those academicians, and the inference of your question is beneath contempt, sir.

Q. Could we try to answer the question now?

A. The answer is that Bob Josefsberg would never maintain a friendship with me if he believed that there was any possibility that I was among the academicians who she was accusing of sexual misconduct. I do not believe that she ever accused me of sexual misconduct to Bob Josefsberg, to the FBI, to the U.S. attorney, or even, sir, to you and Bradley Edwards, as she says in 2000, I think, '11. I think she made up this story on the eve of the filing in 2014.

Q. You do agree that Bob Josefsberg would not have advanced the claims that he advanced if he did not have confidence that they were true, correct?

A. I have no idea what he believed or knew at the time. I would say this: I know Bob Josefsberg is an extraordinarily ethical lawyer. I don't know what his responsibilities were in the case. I don't know whether his responsibilities were to make those kinds of judgments or whether his responsibility was simply to make sure that money was paid to each of

the people who the FBI had put on the -- the list. I just don't know what his responsibility was.

I can say with confidence that he would only act ethically and would, A, not represent -- not make any false statements the way your clients made them, and that I wish your clients had the ethics of Bob Josefsberg.

Q. You then agree that if Bob Josefsberg advanced the claims that I have described in a complaint on behalf of a client, he would not have done so unless he believed those allegations to be true, having conducted a fair and reasonable investigation, correct?

MR. SCOTT: Objection, asked and answered several times.

A. I don't know the answer to that question because I don't know the context in which he made these arguments. All I do know is that he never would maintain a friendship with me if he believed in any way that I was one of the people that she had accused.

BY MR. SCAROLA:

Q. Did Alfredo Rodriguez, another one of your friend's staff persons, have a motive to lie against you?

A. Alberto Rodriguez --

Q. No, sir, Alfredo Rodriguez.

A. Alfredo Rodriguez, I never knew him by name. He was, of course, there out -- well outside of the timeframe of the alleged events in this case. And so anything that he would be able to testify to would bear no relationship whatsoever to the -- the allegations here.

He was criminally prosecuted, to my memory, for having stolen material and turned it over to Bradley Edwards is my recollection. And as the result of that clearly had a motive to lie. And the same with Mr. Alessi, clearly would have a basis for believing that I may have played a role as Jeffrey Epstein's lawyer in seeking to do harm to him.

But again, there's nothing in Mr. Rodriguez's testimony which is in any way inculpatory of me. I think he has me sitting and -- and reading a book and drinking a glass of wine.

Q. In the presence of young women?

A. No.

Q. No?

A. I don't --

Q. Do you --

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A. -- believe that.
Q. -- recall the following testimony --
A. It wouldn't be true if he said it.
Q. Yes, sir. Well, do you recall the following testimony having been given by Mr. Alfredo Rodriguez in a deposition that was taken on August 7, 2009?
"Question: Mr. Rodriguez, you stated last time that there were guests at the house, frequent guests from Harvard. Do you remember that testimony?
"Answer: Yes, ma'am.
"Question: Was there a lawyer from Harvard named Alan Dershowitz?
"Answer: Yes, ma'am.
"Question: And are you familiar with the fact that he's a famous author and famous lawyer?
"Answer: Yes, ma'am.
"Question: How often during the six months or so that you were there was Mr. Dershowitz there?
"Answer: Two or three times.
"Question: And did you have any knowledge of why he was visiting there?

"Answer: No, ma'am.
"Question: You don't know whether or not he was a lawyer acting as a lawyer or whether he was there as a friend?
"Answer: I believe as a friend.
"Question: Were there also young ladies in the house at the time he was there?
"Answer: Yes, ma'am.
"Question: And would those have included, for instance, Sarah Kellen, Nada Marcinkova?
"Answer: Yes, ma'am.
"Question: Were there other young ladies there when Mr. Dershowitz was there?
"Answer: Yes, ma'am.
"Question: Do you have any idea who those young women were?
"Answer: No, ma'am.
"Question: Were there any of these -- excuse me. Were any of these young women that you have said came to give massages?
"Answer: Yes, ma'am."
Do you recall that testimony having been given --
A. Yes.
Q. -- and those answers having been given to

that testimony?
A. Yes.
MR. SCOTT: Objection. This is totally improper cross examination of a witness by trying to use a deposition. The only purpose of doing this is to interject this into the record, which has no relevance and would not be admissible at trial. And in any case, he never actually has my client doing any of the things that you've accused him of.
Go ahead, let's go ahead and do it.
Answer the question. Answer the question.
MR. SCAROLA: He did.
A. Yes, I remember that.
MR. SCAROLA: He said yes.
A. Yes, I remember that, yes.
BY MR. SCAROLA:
Q. And do you know why it was that back in 19 -- excuse me, back in 2009, August of 2009, four and a half years before you allege that this story about you was being made up out of whole cloth, that lawyers representing Jeffrey Epstein's victims, including Katherine Ezell, E-Z-E-L-L from Bob Josefsberg's office, who had filed the complaint alleging that you had -- excuse me, that Virginia

Roberts had been lent out for sexual purposes to academicians, were asking specific questions about you? Do you know why it was in 2009 they were doing that?
A. I have no idea that it happened. And I imagine that they had a list of every academic that was in the house. Probably included --
MR. SCOTT: I want to object to this whole procedure because you're taking pieces out of the record and not reading other pieces that totally absolve my client. For example, there's testimony by him that says --
MR. SCAROLA: Is this an objection?
MR. SCOTT: Yes, it's a statement into the record just like you're putting into the record. There's -- I want to show this to my client and refresh his memory as to some other testimony by this witness --
MR. SCAROLA: There's no question pending as to what you can -- as to what you can refresh your client's memory. What you are doing is coaching him.
MR. SCOTT: No, I'm not.
MR. SCAROLA: Improperly.
MR. SCOTT: And you are improperly reading

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excerpts out of a deposition to try to imply something when there's other parts that totally are inconsistent with that. And if you're going to do that, then he has the ability under our rules to review the entire transcript of the deposition and that's what I'm permitting him to do, just like when we're in court.

MR. SCAROLA: What I am doing, Mr. Scott -- what I am doing, Mr. Scott --

MR. SCOTT: Have you read that now, sir?

MR. SCAROLA: -- is reviewing the evidence that was relied upon by Bradley Edwards and by Paul Cassell in coming to the conclusion that the allegations that had been made by Virginia Roberts were, in fact, credible allegations.

MR. SCOTT: And I'm --

MR. SCAROLA: Because your own client has acknowledged that this is information that was available to both him and to them back in 2009.

MR. SCOTT: And what I am doing is showing him portions of the same deposition that totally take a different position from this witness from what you have read, so that this record is a complete record and not a partial record with your inference only. And I feel

that that's totally appropriate. If we were in a courtroom, a judge would permit him to do it.

So you have your position and I have mine.

MR. SWEDER: Can we have the witness read that?

BY MR. SCAROLA:

Q. Do you recall the following testimony having been given in that same deposition?

"Question: All right. This is follow-up to questioning by Ms. Ezell. Ms. Ezell asked you about Mr. Dershowitz being present in Mr. Epstein's home, and I think you said -- I think you said Mr. Epstein and he and Mr. Dershowitz were friends?

"Answer: Yes.

"Question: She also, I think, asked was Mr. Dershowitz ever there when one of the young women who gave a massage was present in the home.

"Answer: I don't remember that.

"Question: That's where I want to clear up. Is it your testimony that Mr. Dershowitz was there when any of the women came to Mr. Epstein's home to give a massage?

"Answer: Yes."

Do you remember that testimony having been given?

A. I assume that when your clients used the transcript as a basis for their false conclusion that I was guilty, they read the whole transcripts, not just the --

BY MR. SCAROLA:

Q. Every word.

MR. SCOTT: Don't interrupt him.

BY MR. SCAROLA:

Q. You don't need to assume that. I will stipulate they read every word.

MR. SCOTT: Mr. Scarola, he's speaking. You don't have a right to do this.

A. And if you read every word, you will see that it's totally exculpatory, that I have no idea whether there were any young women in one part of the house when I was in another part of the house. It's completely consistent with my testimony that I have never seen any underage women. Let's see.

And if you read the whole transcript, you'll see, I think:

"Was Dershowitz ever there when one of the woman gave a massage?

"I don't remember that.

"Were you in -- were you in any way attempting in your response to imply that Mr. Dershowitz had a massage by one of these young ladies?

"I don't know, sir.

"You have no knowledge?

"No, sir.

"And you certainly weren't implying that that occurred; you just have no knowledge, correct?

"Answer: I don't know."

And I would hope that your clients would be reading the whole thing in context, unlike what you've tried to do to try to create a false impression that this testimony in any way exculpates me.

I have to say if this is what they relied on, my confirmation of their unethical and unprofessional conduct has been strongly corroborated by that and you're helping my case.

BY MR. SCAROLA:

Q. Would it have been reasonable for Bradley Edwards and Paul Cassell to have relied upon the detailed reports of Palm Beach police department?

A. I don't know. I don't know what the Palm

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1 Beach police department says.
2 **Q. You never read those reports?**
3 A. I don't know which reports you're
4 referring to.
5 **Q. All of the reports about Jeffrey Epstein.**
6 MR. SCOTT: Asked and answered yesterday
7 on this whole line.
8 A. I probably did not read all the reports on
9 Jeffrey Epstein. I'm sure I've read some of them.
10 I do not recall --
11 MR. SCOTT: Be careful about any work --
12 attorney-client privilege.
13 THE WITNESS: Right.
14 A. I don't remember my name coming up. I was
15 the lawyer during that period of time.
16 BY MR. SCAROLA:
17 **Q. To the extent that Bradley Edwards and**
18 **Paul Cassell relied upon detailed reports from the**
19 **Palm Beach police department in order to assess the**
20 **credibility of Virginia Roberts, would it be**
21 **reasonable for them to rely upon police reports?**
22 A. I would hope that they would rely on all
23 the police reports, including the ones that showed
24 that she was involved in criminal actions, including
25 the ones that would show that she took money as an

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1 adult to provide sexual services to people.
2 I would hope they would look at all the
3 reports, not just selected portions of those
4 reports.
5 **Q. Would that include the reports of the**
6 **Federal Bureau of Investigation?**
7 A. I would hope so.
8 **Q. Would that include the information**
9 **provided by the U.S. Attorney's Office?**
10 A. I would sure hope so, and I could tell you
11 that the --
12 **Q. Would that include --**
13 A. Let me just say that the U.S. Attorney's
14 Office has told me unequivocally that my name never
15 came up in any context of any accusation against me
16 during the negotiations.
17 **Q. Is this part of your work product that**
18 **you're waiving right now?**
19 MR. SWEDER: No, no.
20 A. My conversation with Jeffrey Sloman is not
21 work product.
22 MR. SCOTT: Here's a --
23 BY MR. SCAROLA:
24 **Q. What is the work product --**
25 MR. SCOTT: Excuse me. Please review

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1 this.
2 A. Excuse me one second.
3 MR. SCOTT: You know, you think this is
4 funny and I think this man's -- and I think
5 this man's --
6 MR. SCAROLA: I think it's improper for
7 you to be coaching the witness in the middle of
8 examination. If you think that there's
9 something that needs to be brought out, you do
10 that in cross examination. You don't feed him
11 information that you want him to be reading in
12 the middle of my examination of this witness.
13 MR. SCOTT: No. But it's also true that
14 under our rules, when you read portions of a
15 deposition, he has the ability to read other
16 portions of the deposition which clarify the
17 answers. That's done in every courtroom on
18 every time a witness -- you have selected
19 portions of it that are not accurate based on
20 other portions and I am having him review them
21 since you did not offer him the deposition to
22 review.
23 MR. SCAROLA: And that's what you do --
24 MR. SCOTT: And I think that's totally
25 proper --

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1 MR. SCAROLA: -- in cross examination. It
2 is --
3 MR. SCOTT: -- to do. No --
4 MR. SCAROLA: -- improper.
5 MR. SCOTT: No.
6 MR. SCAROLA: There's no question pending
7 as to which that's relevant. But let's take a
8 look at what you're showing him.
9 MR. SCOTT: Sure. Why don't you read it
10 into the record?
11 THE WITNESS: I've read it.
12 MR. SCOTT: Read it into the record so
13 that Mr. Scarola is advised.
14 A. "Okay. When Alan Dershowitz was in the.
15 house, I understand you to say that these local
16 Palm Beach girls would come over to the house
17 while he was there, but you're not sure if he
18 had a massage from any of these girls?
19 "Exactly.
20 "And what would he do while these girls
21 were in the house?
22 "He would read a book with a glass of
23 wine by the pool, stay inside.
24 "Did he ever talk to any of the girls?
25 "I don't know, sir.

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"Certainly he knew they were there?

"I don't know, sir."

That's the best you can do? That's really the best you can do? You think a professional lawyer would make these allegations based on "I don't know, sir."

MR. SCAROLA: Is there a question pending, Mr. Scott?

MR. SCOTT: He's reading -- you asked him what he was reading --

MR. SCAROLA: Yes, sir.

MR. SCOTT: -- from and I had him publish it.

MR. SCAROLA: Yeah, I know, and then he went on to make a speech. So I know I don't have to do it, but I'm compelled to move to strike the unresponsive speeches.

MR. SCOTT: And I consider these to be a response to the interrogation that you did taking excerpts improperly and not having the entire record in front of him, which he's entitled to do to make that the record is complete. And I intend to protect him in that way.

BY MR. SCAROLA:

Q. So we have agreed that it was reasonable for Bradley Edwards and Paul Cassell, in assessing the credibility of Virginia Roberts, to rely upon police reports, FBI reports, U.S. Attorney's Office information, and information from the Palm Beach County State Attorney's Office, correct?

A. No.

Q. No?

A. No. It would not be enough for them to do that --

Q. I didn't ask you whether it was enough.

A. You said it was --

Q. I asked you: Would it reasonable for them to rely upon those sources of information in assessing the credibility of Virginia Roberts?

A. Not alone, not without looking at --

Q. That wasn't my question.

A. -- other sources of information.

MR. SCOTT: Wait a minute.

BY MR. SCAROLA:

Q. Well, what he's relying upon --

MR. SCOTT: You're not the judge here. Let him -- ask a question and let him answer it and not cut him off, please.

A. Let me answer. "Rely" connotes to me that they would place a heavy emphasis on that to the exclusion of other things and that it would be enough. And so my answer is, yes, they certainly should have read all the reports. They certainly should have read all the transcripts. But they also should have called me, they should have made other inquiry, and they should have made sure that they read all of these depositions and reports in context.

And if you're implying that there are FBI reports that in any way inculpate me, that's inconsistent with the information I have from Former Chief of Assistant Jeffrey Sloman, who was prepared to file an affidavit saying that that wasn't the case but was prevented from doing so by the Justice Department.

MR. SCOTT: It's about noon now. So I guess we're heading -- we're wrapping this up?

MR. SCAROLA: Not quite yet.

BY MR. SCAROLA:

Q. You do agree that the allegations that Virginia Roberts made against Prince Andrew were well-founded allegations, correct?

A. I have absolutely no idea. I've met

Prince Andrew on a number of occasions in a public context. He came and spoke in my class at Harvard law school. The dean then had a dinner in his -- or lunch in his honor. I was then invited to a dinner at the British Consulate.

I've never seen him in the presence of any underaged women, so I have absolutely no basis for reaching any conclusion whatsoever about Prince Andrew.

Q. So you don't know one way or another whether those allegations are true or false?

A. Neither do you. Nobody would know except two people, I imagine. But I don't know. Of course not.

Q. All right.

A. But I presume --

Q. You say you have never seen him --

A. -- people innocent --

Q. -- in the presence of any underaged women, but you've seen photographs of him in the presence of an underaged woman, correct?

A. I have, yes.

MR. SCAROLA: May we mark this as the next numbered exhibit, please.

A. And I want to note --

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THE REPORTER: Hold on. Hold on.
A. -- the absence of any --
MR. SCOTT: She can't take it down.
THE WITNESS: Sorry.
(Thereupon, marked as Plaintiff Exhibit 8.)
THE REPORTER: It's okay. Go ahead.
A. And I want to note the absence of any photograph of me with Virginia Roberts.
BY MR. SCAROLA:
Q. That's the photograph that you were referring to?
A. I've seen this photograph in the newspapers.
Q. Yes, sir. And the woman on the far right of that photograph, who is that?
A. Ghislaine Maxwell.
Q. The woman that you and your friend Jeffrey Epstein have traveled with repeatedly, correct?
A. No. A woman who I may have traveled with on two or three occasions. I can't think of more times than that that I traveled with her, but it's possible. But not -- I wouldn't say repeated occasions. I've --
Q. Well --

A. -- probably been in her presence fewer than a dozen times.
Q. I'm going to hand you --
A. But just to be clear, what I knew about Ghislaine Maxwell was that she was the daughter of a prominent British publisher --
Q. I haven't asked you what you knew about Ghislaine Maxwell. I asked you --
A. Well, you asked --
Q. -- whether or not you recognized her in the photograph?
A. Yes. Yes.
Q. Thank you very much, sir.
I'm going to hand you an airport codes log that identifies the airports that are identified by abbreviations in the case -- in case that is of some assistance to you in answering the next series of questions that I'm about to ask you.
A. Right.
Q. And I'm going to hand you this composite exhibit, which we will mark as the next numbered composite.
A. Uh-huh, right.
(Thereupon, marked as Plaintiff Exhibit 9.)

THE WITNESS: Excuse me, I need to a take a very quick bathroom break.
MR. SCAROLA: That's fine.
THE WITNESS: Probably be two minutes or less than two minutes.
VIDEOGRAPHER: Going off the record. The time is approximately 12:03 p.m.
(Sidebar held off the record.)
MR. SCAROLA: While we're waiting, let me mark the next numbered exhibits as well. That will save us some time.
MR. SCOTT: What is this?
MR. SCAROLA: Her calendar, his calendar.
MR. SCOTT: Who's calendar is this, Carolyn's?
MR. SCAROLA: Okay. This is Number 10.
MR. SCOTT: Carolyn's calendar.
(Thereupon, marked as Plaintiff Exhibit 10.)
MR. SCAROLA: This is Number 11.
(Thereupon, marked as Plaintiff Exhibit 11.)
MR. SCAROLA: This is Number 12.
(Thereupon, marked as Plaintiff Exhibit 12.)

BY MR. SCAROLA:
Q. Mr. Dershowitz, I have handed you a composite exhibit that is marked as Number 9.
A. Yes.
Q. The first document in that composite is a page from --
MR. SCOTT: Here's Number 9.
BY MR. SCAROLA:
Q. -- is a page from your wife's calendar; is that correct?
A. Yes.
MR. SCOTT: Take a moment to review the exhibit, please.
A. Yes, it looks like -- I'm looking at the first page. It looks like my wife's -- my wife's handwriting, yes.
BY MR. SCAROLA:
Q. And the second page is another page from your wife's calendar; is that correct?
A. Looks like it, yes.
Q. And --
MR. SCOTT: Take the time to review it before you answer questions, please.
A. Right.

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BY MR. SCAROLA:

Q. And can you determine from the calendar entries here where your wife is during the period of time that's covered by these calendar entries?

A. I would have to look at a particular entry. If it describes where she is, yes.

Q. Okay. Well, tell me where she is.

A. What day?

MR. SCOTT: Which one? What point?

BY MR. SCAROLA:

Q. The period covered by this calendar between December 7 and December 13.

A. What year?

Q. You know what, I can't tell you what year it is from these calendars. So you tell me.

I suggest to you that this is a calendar from December of 2000, since the next two months at the top of the calendar are January 2001 and February 2001. So let's assume that since it is a page from a calendar that appears to be December of 2000, that it's December of 2000.

That would be a reasonable conclusion, wouldn't it?

A. I have no idea.

Q. You don't know?

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A. I don't know. I mean, I don't know -- you said you don't -- you can't tell what the year is, so --

Q. Well, I'm telling --

A. -- I can't tell what the year is.

Q. -- you that it appears to be December 2000 because the next two months at the top of the calendar are January of 2001 and February of 2001.

A. I only see -- I'm sorry, we're probably looking at different things. I see November 2000, December 2000. I don't see January or anything like that. Maybe you can show them to me. Oh, it's on the first page.

Q. First page, yes, sir.

A. So it's in reverse order.

Yeah, so the pages are in reverse order. The first page says on top January 2001, February 2001 and the second page says November 2000, December 2000, yeah.

Q. So it appears we're looking at December 2000, correct?

A. When we're looking at which page? When we --

Q. Both pages.

A. Well, one is January/February and one is

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December.

Q. One shows the subsequent two months and the --

A. Okay.

Q. -- other one shows --

A. Yes.

Q. -- the preceding and following month, correct?

A. Yes, that does look like it's December of 2000, yes.

Q. Okay, sir. So look at the calendar and tell me where it appears your wife is during this period of time.

A. The whole period of time?

MR. SCOTT: Please read the exhibit, all the pages, thoroughly, so that you have a full context.

A. It says, A.D. in Boston. That means I was in -- in Boston.

It says Charleston, New York. It says book fair. It says book fair. It says A.D. in Boston.

It then says the Halbreiches arrive. They -- they were probably our guests.

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BY MR. SCAROLA:

Q. Your guests at home in Cambridge, Massachusetts, right?

A. No, I don't know. I don't know. Halbreiches arrive.

And I can't really tell from here where Carolyn is. McDonalds -- let's see, this is 2000 and what year? 2001. 2000. Yeah, yeah.

So tell me what you're looking for. I'll try to --

Q. I want to know where your wife was during this period of time if you can tell from the calendar entries.

A. Well, she may have been in -- there's something about Charleston. There's something about New York. There's something about me being in Boston. I really can't tell much beyond that.

Q. Okay. So you don't know one way or another from these calendar entries where your wife was during this period of time; is that correct?

A. I can't tell that from this entry, no.

Q. What we can tell from the entry in the bottom right-hand corner --

MR. SCOTT: Which page?

A. Which page?

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BY MR. SCAROLA:

Q. Of the first page of this composite is that there is a notation that says Alan Dershowitz 11:45 a.m., New York City, right?

A. Eleven -- A.D. 11:45 and then there's a word that I can't read.

Q. How about a.m.?

A. Oh, 5:00 a.m., New York City, yes.

Q. Okay. Thank you, sir.

And the next page, where did -- where did your wife have opera instructions?

A. I have no idea. We go to the opera in Boston, we go to the opera in New York, we go to the opera in Florida. We do a lot -- a lot of opera. I don't know what "opera instructions" means.

Maybe it would be best if you asked my wife about these things. It's her calendar.

Q. I -- I intend to, sir, but --

A. Sure.

Q. -- these are calendars that you produced as part of the evidence that you contend exonerates you. So, I assumed that you had some knowledge of the meaning of these pages.

A. No.

Q. But I may be wrong.

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A. We have --

Q. So you're telling me that you don't know where she was and that's --

A. We just -- we just gave you everything we had --

MR. SCOTT: We provided hundreds and hundreds of pages. You're picking out one.

BY MR. SCAROLA:

Q. Let's go -- let's go to the next page, if we could, please, the third page in this composite.

A. The third, okay. Third, okay.

Q. And can we agree that this is a calendar from December of 2000?

A. Yes.

Q. Can we agree it's your calendar from December of 2000?

A. That's right, yeah.

Q. And can we also agree that during this period of time, you were making regular appearances in New York on Court TV?

MR. SCOTT: Review the document before you answer the question, please.

A. It says 12/30, Court TV, yes. There was a period of time where I had a contract with Court TV and I would appear when they asked me to, yeah.

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BY MR. SCAROLA:

Q. And you would appear in New York --

A. Well, no --

Q. -- for those Court TV appearances --

A. I would appear --

Q. -- on a regular basis, correct?

A. I would appear wherever I was. So when I was in New York, I appeared in New York, but they would do it by remote when I was in a different city. And I clearly did some remotes for Court TV.

Q. In fact, you took an apartment in New York for purposes of convenience to facilitate your New York Court TV appearances, correct?

A. Totally false.

Q. Did you have an apartment in New York during this period of time in December of 2000?

A. I had an apartment for -- I've had an apartment in New York for 30 -- 30 years or more. But I certainly didn't take an apartment for purposes of Court TV, no.

Q. On Tuesday, December 12, the entry is 1:30, Jeff, correct?

A. Right. Yeah.

Q. And that's a reference to Jeffrey Epstein, correct?

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A. I don't -- I don't know.

Q. Well, what other Jeff might it be?

A. I know -- I know many, many Jeffs.

Q. Tell me which other Jeffs it might have been a reference to --

A. I have no idea.

Q. -- on this calendar page.

A. I just have no idea. I would be speculating.

Q. During the same period of time on December 12 when there's a calendar entry that reflects 1:30, Jeff, we know from the flight logs that Jeffrey Epstein traveled on December 11 from Palm Beach International Airport to Teterboro Airport, which is the private plane facility that services the New York Metropolitan area.

A. I have no idea.

Q. You don't know?

A. No, I have no idea whether he was on that plane. I haven't seen the flight log.

Q. Well, I'm calling your attention to the flight log. It's the next page.

A. It's the next page here?

Q. Yes, sir.

A. Okay.

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HOUSE_OVERSIGHT_010817

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1 **Q. December 11, 2000, PBI to Teterboro,**
2 **passengers, Jeffrey Epstein --**
3 A. Wait a second. I have to find it.
4 MR. SCOTT: Well, let him -- let him read
5 the exhibit.
6 A. What -- what's the date?
7 BY MR. SCAROLA:
8 **Q. December 11.**
9 A. December 11. Yes, I see that.
10 **Q. Palm Beach International Airport to**
11 **Teterboro?**
12 A. Right, yeah.
13 **Q. Passengers, Jeffrey Epstein?**
14 A. Right.
15 **Q. GM, a reference to Ghislaine -- excuse me,**
16 **Ghislaine Maxwell.**
17 A. Uh-huh.
18 **Q. And ET and Virginia, right?**
19 A. That's what it says, yes, sir.
20 **Q. And then we see three of the same four**
21 **passengers leaving the New York area.**
22 A. Uh-huh.
23 **Q. To fly to another destination three days**
24 **later on December 14, correct?**
25 A. Yes.

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1 **Q. And let's look at the next page of your**
2 **wife's diary for December 13, the period of time**
3 **when the flight log shows Jeffrey Epstein and**
4 **Virginia in New York --**
5 A. Uh-huh.
6 **Q. -- at the same time when it would appear**
7 **that you were in New York. And at the bottom of**
8 **this calendar, Wednesday, December 13, A.D.,**
9 **massage, right?**
10 A. 10:00 a.m. it says? What is it?
11 **Q. It says 10, 10-A.D. massage?**
12 A. Yeah.
13 **Q. Okay.**
14 **Let's go to the next composite.**
15 A. I don't have -- there's another page after
16 that. Oh, the next composite.
17 **Q. Yes, sir.**
18 A. Yeah.
19 **Q. Composite Number 10.**
20 A. Uh-huh. But -- but I just want to be
21 clear. So you're saying Carolyn was with me in
22 New York during that period of time.
23 **Q. No, I'm not saying that at all, sir. I**
24 **suggest that when we take a close look at the**
25 **calendar, it's going to reveal something other than**

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1 **that, but that you were in New York at the same time**
2 **Jeffrey Epstein --**
3 A. And that Carolyn --
4 **Q. -- and Virginia were in New York and you**
5 **were --**
6 A. And that Carolyn arranged for a massage.
7 **Q. -- having a massage.**
8 A. And that my wife arranged for a massage.
9 **Q. No, I didn't say that at all, sir?**
10 MR. SCOTT: Well, that's what he's saying
11 that the record reflects.
12 A. The record --
13 MR. SCOTT: Don't cut him off.
14 A. -- reflects that Carolyn -- Carolyn always
15 wanted me to have massages because she thought it
16 would relax me. I don't like massages particularly,
17 but when Carolyn arranged massages, almost always we
18 had them together at the same time. We would have
19 the same masseuse, sometimes a man, sometimes a
20 woman, come to the house and give us massages
21 together.
22 The idea that my wife would arrange for me
23 to have a massage with an underage girl for sexual
24 purposes is so bizarre and absurd as to defy any
25 kind of credibility, but go on.

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1 BY MR. SCAROLA:
2 **Q. Yes. Thank you very much, sir.**
3 A. Go on.
4 **Q. I intend --**
5 MR. SCOTT: Since you're both smiling,
6 there seems to be some humor that I'm missing
7 here. I guess I --
8 MR. SCAROLA: Well, I'm missing the humor
9 too.
10 BY MR. SCAROLA:
11 **Q. Let's go to Composite Exhibit Number 10.**
12 A. Yeah.
13 **Q. The first page of that composite exhibit**
14 **is a photocopy of pages from your personal calendar**
15 **in January 2001, correct?**
16 A. That's right, yes.
17 **Q. Another Court TV appearance on January 11,**
18 **correct?**
19 A. January 11.
20 **Q. Yes, sir. Thursday, January 11, entry in**
21 **the left-hand column, Court TV.**
22 A. Entry on -- yes, January -- I see it as --
23 I see it on January 12. I don't see it on
24 January 11, but...
25

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BY MR. SCAROLA:

Q. I'm sorry, maybe it is January 12, but some time between the 11th and 12th, either on the 11th or on the 12th, it's Court TV, correct?

A. No, no, no. You're just totally --

Q. It's the 12th --

A. -- wrong -- it's the 12th, yes.

Q. Okay. Good. Thank you.

A. It's clearly stated on the 12, yeah.

Q. Okay. And then on Friday, the 19th, a week later, another Court TV appearance, correct?

A. 19th. Yes.

Q. Okay. And on the 26th on Friday, another Court TV appearance, correct?

A. That's what it says, yes. These were all --

Q. During this period of time --

MR. SCOTT: Whoa. Let -- let him finish his answer.

A. These are all scheduled appearances. I assume that I did them. These -- these were -- when they requested me to -- to do them, I would do them, yes.

BY MR. SCAROLA:

Q. Okay. And it looks like you're appearing

on a scheduled basis every Friday during this period of time?

A. I don't think that was right. Yeah, I don't think that was right. I think that they called me when they wanted me. And it may have been several Fridays in a row, but I think it depended on breaking news at the --

Q. What is "scheduled appearance" --

MR. SCOTT: Well, wait a minute. Let him finish his questions [sic].

A. It would depend very much on whether there was a particular trial because I would be the commentator on the trial, along with other lawyers. And there were some days when there were trials and some days when there weren't and I would be available because I was living in New York at the time.

BY MR. SCAROLA:

Q. On Tuesday, the 16th, there is an entry that says Epstein, right?

A. On Tuesday, the 16th?

Q. Yes, sir.

A. Where are we? Which calendar now?

Q. Page 2. Page 2 of the composite, Tuesday, the 16th, Epstein.

MR. SCOTT: Wait a minute. Let him get to it.

A. 2 of the composite. Page 2, and what -- what day are we on?

MR. SWEDER: Do we even have it?

MR. SCOTT: I'm sorry. Excuse me. Do we have copies of this exhibit?

MR. SCAROLA: I've given you copies of everything --

THE WITNESS: Were these produced in discovery?

MR. SCOTT: I assume.

A. Okay. What are we up to? What page?

BY MR. SCAROLA:

Q. Page 2 of Composite Exhibit Number 10.

MR. SCOTT: Okay. Now, stop.

BY MR. SCAROLA:

Q. Tuesday, the 16th.

MR. SCOTT: What year are we talking about now?

MR. SCAROLA: 2001, the only year covered in this composite exhibit.

A. Yeah, dinner foreign policy Epstein, that was dinner we had at Jeffrey Epstein's house with a group of very distinguished foreign policy experts,

yes.

BY MR. SCAROLA:

Q. All right, sir. Let's go to the next page. I've just focused on this period of time in January 2001 and on Friday, January 12 --

A. So we're going back to Friday, January 12. Yeah.

Q. Your wife is in Cambridge, correct?

A. No, I don't think so. My wife was living in New York with me at the time. I don't see any record of her being in Cambridge.

She was -- we were living together in New York at NYU downtown. I was a visiting scholar. Having been appointed by John Sexton of NYU to be a visiting scholar, we were there for the year. And my wife was with me during the year. Our daughter was in school in New York. She went to Little Red Schoolhouse in New York. And we had -- our life was in New York for a period of one year.

Q. And on Friday, January 12, you had another massage, right?

A. I don't see anything on my record that --

Q. Massage, A.D.?

A. We must be looking at the different pages.

Q. Friday, January 12, page 4 --

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A. Who's --

Q. -- of Composite Exhibit 10.

MR. SCOTT: Let me see the page you're talking about so he can --

MR. SCAROLA: I've given you the entire calendar.

MR. SCOTT: Come on, Jack.

MR. SCAROLA: I've given you the entire composite --

THE WITNESS: So you're talking about my wife's --

MR. SCAROLA: Fourth page -- fourth page of Exhibit 10. You have Exhibit 10, I've given a copy of that.

MR. SCOTT: I understand it and he has it front of him and I'm trying to get him to the right page. Thank you. Please take it down.

BY MR. SCAROLA:

Q. Fourth page, Composite Exhibit 10.

A. Yes.

Q. Friday, January 12.

A. Okay. That's very simple. We were both in Cambridge and I had a massage in Cambridge. How do I know that? Because it had basketball. And that's where I play and watch basketball was in

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Cambridge. So probably I was in Cambridge if it says B ball 3:30, 4:15 and says Cambridge with Ella, so I'm sure I was in Cambridge.

Q. All right. So --

A. But I'm -- I'm looking at my wife's calendar. I can't tell you and nor can you tell me where I was at that period of time.

Q. So, the basketball entries are references to your watching basketball in Cambridge?

A. No. They could be playing basketball. I played basketball in those days --

Q. Watching or playing basketball?

MR. SCOTT: Let him finish his answer, please.

A. I either watched basketball or played basketball, yeah. I did not go to basketball games in New York, to my recollection, unless the Celtics were in New York and maybe we can check --

MR. SCOTT: You've got about five minutes, Counsel.

BY MR. SCAROLA:

Q. The Celtics didn't play from 4:15 to 5:00, did they?

A. No, but I did.

Q. You did?

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A. Uh-huh.

Q. Okay. Or from 3:30 to 4:15, that would be a playing time for you in Cambridge; is that correct?

A. You'd be asking me to speculate. I can't speculate based on my wife's calendar. It says utility bill, Reservoir address. That suggests Cambridge. Reservoir is our house in Cambridge.

Q. So, it would appear that this is another massage that you got somewhere?

A. But I would like to also say one thing. I don't -- I at least wonder were these records available to your clients at the time they made the false accusations against me or are they after-the-fact constructs designed to simply try to find excuses to justify their false allegations? It seems to me the latter is probably the case.

Q. And you are going to have an opportunity through your counsel to ask those questions.

A. And we will.

Q. And my clients are anxious to be able to answer those questions.

A. Not as anxious as I am to hear their answers.

Q. Okay.

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MR. SCOTT: Okay. Let's wrap it up.

MR. SCAROLA: Not quite.

MR. SCOTT: Yeah, it's 12:30. I'm ending this. That gives you three and a half hours. We take a lunch break and then we have three and a half.

MR. SCAROLA: We don't need three and a half hours for lunch.

MR. SCOTT: No, I didn't say that. I said we take an hour break and then we have three and a half hours with your client, just like...

MR. SCAROLA: If -- if that's what you want to do --

MR. SCOTT: That's the fair thing to do because that's why we're dividing it equally and I suggested that --

MR. SCAROLA: I will state -- I will state for the record that Exhibits 2, 3 and 4 -- excuse me, Exhibits 9, 10, 11 and 12, composite exhibits, directly conflict with the witness's assertion --

MR. SCOTT: This is all a speech on your part.

MR. SCAROLA: It is a speech.

MR. SCOTT: It is a speech and --

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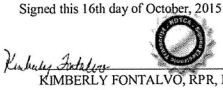
1 MR. SCAROLA: I'm giving you notice as to
2 what you can do to do your homework. Okay?
3 They directly conflict with the witness's
4 assertion that the flight logs exonerate him.
5 In fact --
6 MR. SCOTT: Wait a minute.
7 MR. SCAROLA: -- the flight logs -- the
8 flight logs corroborate Virginia Roberts'
9 assertions.
10 MR. SCOTT: And I thank you very much for
11 that explanation and we look forward to
12 resuming this at the appropriate time and
13 responding to that.
14 THE WITNESS: And that is a false
15 statement.
16 MR. SCOTT: Thank you.
17 VIDEOGRAPHER: Going off the record. The
18 time is approximately 12:26 p.m.
19 (The proceedings ADJOURNED at 12:26 p.m.)
20
21
22
23
24
25

CERTIFICATE OF OATH

STATE OF FLORIDA
COUNTY OF BROWARD

I, the undersigned authority, certify that ALAN M. DERSHOWITZ personally appeared before me and was duly sworn on the 16th day of October, 2015.

Signed this 16th day of October, 2015.



KIMBERLY FONTALVO, RPR, FPR, CLR
Notary Public, State of Florida
My Commission No. EE 161994
Expires: 2/01/16

CERTIFICATE OF REPORTER

STATE OF FLORIDA
COUNTY OF BROWARD

I, KIMBERLY FONTALVO, Registered Professional Reporter, do hereby certify that I was authorized to and did stenographically report the foregoing videotape deposition of ALAN M. DERSHOWITZ; pages through 145; that a review of the transcript was requested; and that the transcript is a true record of my stenographic notes.

I FURTHER CERTIFY that I am not a relative, employee, attorney, or counsel of any of the parties, nor am I a relative or employee of any of the parties' attorneys or counsel connected with the action, nor am I financially interested in the action.

Dated this 16th day of October, 2015.

_____
KIMBERLY FONTALVO, RPR, FPR, CLR

October 16, 2015

COLE, SCOTT & KISSANE, P.A.
Dadeland Centre II - Suite 1400
9150 South Dadeland Boulevard
Miami, Florida 33156
BY: THOMAS EMERSON SCOTT, JR., ESQ.
Re: Edwards v. Dershowitz
Please take notice that on the 16th day of October, 2015, you gave your deposition in the above cause. At that time, you did not waive your signature. The above-addressed attorney has ordered a copy of this transcript and will make arrangements with you to read their copy. Please execute the Errata Sheet, which can be found at the back of the transcript, and have it returned to us for distribution to all parties.

If you do not read and sign the deposition within a reasonable amount of time, the original, which has already been forwarded to the ordering attorney, may be filed with the Clerk of the Court.
If you wish to waive your signature now, please sign your name in the blank at the bottom of this letter and return to the address listed below.
Very truly yours,

KIMBERLY FONTALVO, RPR, FPR, CLR
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West Palm Beach, Florida 33401
I do hereby waive my signature.

_____
ALAN M. DERSHOWITZ

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In Re: EDWARDS V. DERSHOWITZ
ALAN M. DERSHOWITZ
October 16, 2015

PAGE	LINE	CHANGE	REASON

Under penalties of perjury, I declare that I have read the foregoing document and that the facts stated in it are true.

_____ _____
Date ALAN M. DERSHOWITZ

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HOUSE_OVERSIGHT_010822

Exhibit 3

IN THE CIRCUIT COURT OF THE SEVENTEENTH
JUDICIAL CIRCUIT IN AND FOR
BROWARD COUNTY, FLORIDA

CASE NO. CACE 15-000072

BRADLEY J. EDWARDS and PAUL G. CASSELL,

Plaintiffs/Counterclaim Defendants,

vs.

ALAN M. DERSHOWITZ,

Defendant/Counterclaim Plaintiff.
_____/

VIDEOTAPED DEPOSITION OF

PAUL G. CASSELL

TAKEN ON BEHALF OF THE DEFENDANT

VOLUME I, PAGES 1 to 151

Friday, October 16, 2015

1:33 p.m. - 4:31 p.m.

110 Southeast 6th Street
110 Tower - Suite 1850
Fort Lauderdale, Florida 33301

Theresa Tomaselli, RMR

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DON SAVOY, Videographer
BRADLEY J. EDWARDS
ALAN M. DERSHOWITZ
CAROLYN COHEN

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(Original Exhibits have been attached to the original transcript.)

HOUSE_OVERSIGHT_010824

01:10:55 1 Q. I would like to know why you alleged "and
01:10:57 2 other minors" given what you have said about your
01:11:01 3 knowledge of the factual basis, so to speak, for that
01:11:06 4 allegation.
01:11:06 5 **A. Okay. There are going to be -- I'm going to**
01:11:08 6 **end up giving you nine reasons, each of which is**
01:11:11 7 **complicated, so I just want to -- if -- if -- I don't**
01:11:13 8 **want to be accused of -- of filibustering or anything.**
01:11:15 9 **I just want you to know that you have asked a broad**
01:11:18 10 **question that's going to require a broad and extended**
01:11:20 11 **answer. It -- it --**
01:11:21 12 Q. Answer the question.
01:11:22 13 **A. Okay. Then I'm going to refer to a -- I have**
01:11:27 14 **a -- well, actually, I don't.**
01:11:28 15 Q. Let me ask you this: Before you refer to
01:11:30 16 something --
01:11:30 17 **A. Yeah.**
01:11:30 18 Q. -- please give me your best recollection of
01:11:34 19 what the basis was, the factual basis that you had in
01:11:37 20 mind. If the court said to you -- let me put it this
01:11:40 21 way. If you went to court and Judge Marra said,
01:11:43 22 Professor Cassell, what's your factual basis for this
01:11:46 23 allegation? Tell me. What would you say?
01:11:48 24 **A. Right.**
01:11:49 25 MS. McCAWLEY: Wait. Outside the context of

01:11:50 1 anything that's been communicated to you.
01:11:53 2 MR. SCAROLA: Excuse me. You have asked two
01:11:55 3 different questions now, and I need to understand
01:11:56 4 which question you are asking.
01:11:58 5 The question that you posed before just now
01:12:02 6 was: What was the reason for your including
01:12:05 7 those allegations in this pleading?
01:12:08 8 Now you have asked: What is the factual
01:12:10 9 basis? And that's going back to questions that
01:12:14 10 we have already covered, and we have, I think,
01:12:17 11 exhausted the ability to respond to that question
01:12:20 12 outside of privileged information.
01:12:23 13 Do you want to go back to the question about:
01:12:26 14 What was your reason for including those
01:12:28 15 allegations?
01:12:29 16 MR. SIMPSON: I'll ask the question a
01:12:30 17 different way.
01:12:31 18 MR. SCAROLA: Thank you.
01:12:31 19 BY MR. SIMPSON:
01:12:33 20 Q. Mr. Cassell, I'm going to ask you: If you're
01:12:37 21 in court and Judge Marra said to you, counsel, what is
01:12:42 22 the factual basis for your allegation that Professor
01:12:47 23 Dershowitz abused other minors, what would you say? And
01:12:51 24 if you wouldn't say something because it was privileged,
01:12:52 25 then don't include it. What would you tell the judge

01:12:55 1 was your basis for this?
01:12:56 2 **A. All right. So the initial basis for it**
01:13:00 3 **was --**
01:13:00 4 MR. SCAROLA: First of all, let me object
01:13:02 5 because Professor Cassell is not here as an
01:13:04 6 expert witness and hypotheticals are
01:13:06 7 inappropriate. You're calling for speculation on
01:13:08 8 his part. I'm not going to instruct him not to
01:13:10 9 answer, but it is an improper question.
01:13:14 10 MR. SIMPSON: I disagree, but you can answer
01:13:14 11 the question.
01:13:14 12 THE WITNESS: Right. So the -- the factual
01:13:17 13 basis would -- we are setting aside
01:13:21 14 attorney/client communications, right?
01:13:21 15 BY MR. SIMPSON:
01:13:22 16 Q. I'm asking: What would you tell the judge?
01:13:26 17 **A. Right. So that -- I -- I -- that's**
01:13:28 18 **speculative to -- I don't think I can give a fair answer**
01:13:30 19 **at this point because that would have involved going**
01:13:32 20 **back to my client and -- and carving out what kinds**
01:13:36 21 **of things we were going to present to Judge Marra in**
01:13:39 22 **light of the posture of the case at that point.**
01:13:42 23 **So it's a speculative question. I would**
01:13:46 24 **have -- let me just -- without going into any**
01:13:49 25 **attorney/client privileged communications, I would have**

01:13:51 1 **provided an ample factual basis for those allegations.**
01:13:55 2 MR. SIMPSON: I move to strike as
01:13:56 3 nonresponsive.
01:13:56 4 BY MR. SIMPSON:
01:13:58 5 Q. Let me ask it this way: We have talked
01:14:00 6 about -- somewhat about the basis for this allegation
01:14:02 7 about other minors. Putting aside information as to
01:14:09 8 which you're claiming privilege, tell me what you knew
01:14:13 9 as of December 30th, 2014, that formed the factual basis
01:14:20 10 for your -- for that allegation about other minors.
01:14:23 11 MR. SCAROLA: And I'll instruct you not to
01:14:25 12 answer that question for the same reason, that
01:14:27 13 when the same question was asked earlier, I
01:14:29 14 instructed you not to answer.
01:14:31 15 MR. SIMPSON: I'm -- I'm -- maybe we are not
01:14:33 16 being clear, Jack. I'm asking him to put
01:14:35 17 aside -- I mean, certainly, he -- he filed a
01:14:37 18 pleading. You've asserted privilege as to
01:14:40 19 certain aspects. I'm simply asking him, putting
01:14:43 20 aside whatever you're claiming privilege for,
01:14:45 21 right, so I'm not -- I'm not asking you right now
01:14:47 22 to tell me anything you're claiming as
01:14:49 23 privileged.
01:14:49 24 BY MR. SIMPSON:
01:14:50 25 Q. Tell me whatever is not privileged that

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01:14:53 1 supports that allegation.
01:14:55 2 A. Okay. The privileged information, obviously,
01:14:58 3 you're asking me not to reveal at this point.
01:14:59 4 Q. I'm asking you -- I'm asking you to tell me
01:15:00 5 the nonprivileged information. And I'm not agreeing
01:15:04 6 with your privilege assertion --
01:15:04 7 A. Sure.
01:15:07 8 Q. -- but for purposes of this question --
01:15:07 9 A. For purposes of this question.
01:15:07 10 Q. -- I'm accepting it.
01:15:07 11 A. All right.
01:15:08 12 Q. Putting aside what you claim is privileged, I
01:15:10 13 want to know everything that's the factual basis for
01:15:12 14 including the allegation about other minors.
01:15:14 15 A. Okay. Privileged information which I'm not
01:15:17 16 disclosing in any way would have interacted with a vast
01:15:20 17 body of other information.
01:15:22 18 The vast body of other information would have
01:15:24 19 started with an 89-page police report from the Palm
01:15:29 20 Beach Police Department that showed for about a
01:15:30 21 six-month period in 2005, there was sexual abuse of
01:15:35 22 minor girls going on on a daily basis, in -- whenever
01:15:40 23 Jeffrey Epstein was in his Palm Beach mansion.
01:15:44 24 And on some cases, it was going on not once,
01:15:48 25 not twice, but three times during the day. That -- let

01:15:51 1 me just be clear. I mean, I -- I referred to the
01:15:53 2 89-page police report. I have offered to put it into
01:15:55 3 the record if -- if it would speed things up, but let's
01:15:58 4 just talk about some of the things that are in that
01:15:59 5 89-page police report.
01:16:02 6 This was a -- a very intensive investigation
01:16:05 7 that the Palm Beach Police Department put together.
01:16:07 8 They did, for example, what are called trash covers;
01:16:09 9 that is when trash came out of the -- of the mansion of
01:16:13 10 Epstein, the police would intercept the trash and then
01:16:16 11 they would go through the trash and look for
01:16:17 12 incriminating information.
01:16:19 13 And what they began to discover was memo
01:16:22 14 pads -- and I say "memo pads," let's be clear, pad after
01:16:26 15 pad after pad, or I guess I should say, sheet after
01:16:28 16 sheet after sheet that had the name of a girl, and then
01:16:33 17 there was a notation of something to the effect of a
01:16:35 18 massage.
01:16:36 19 And so the Palm Beach Police Department began
01:16:39 20 tracking down, well, wait a minute, these -- these are
01:16:41 21 girls giving massages and they don't seem to have any
01:16:44 22 specialized training in massages; they don't seem to be
01:16:47 23 masseuses in any sense of the term; what's going on
01:16:47 24 here?
01:16:50 25 And so the Palm Beach Police Department

01:16:52 1 began, you know, I guess what we would call
01:16:54 2 knock-and-talks, knocking on doors to try to get to some
01:16:57 3 of these girls, and they would get to the girls, and
01:16:59 4 many of them initially were -- were afraid to explain
01:17:02 5 what had happened.
01:17:03 6 But as they -- as they continued talking to
01:17:06 7 them, the girls began to explain that what was happening
01:17:09 8 was, they were going over to Epstein's house under the
01:17:13 9 guise of giving a massage, and when they got there, the
01:17:17 10 massage was, in fact, sexual activity.
01:17:19 11 And for many of the girls, I think, as I say
01:17:22 12 around 23, 24, something along those lines, they were
01:17:25 13 underage. They were under the age of consent in
01:17:28 14 Florida.
01:17:28 15 And so each and every one of those events was
01:17:30 16 a crime being perpetrated -- and let's be clear, not
01:17:35 17 just being perpetrated by Epstein, but by other people
01:17:36 18 who were involved there at the mansion.
01:17:38 19 And so what the -- the Palm Beach Police
01:17:40 20 Department was putting together was that this mansion in
01:17:43 21 Florida was the nest of sexual abuse of young girls here
01:17:48 22 in Florida that involved, literally, in the -- in this
01:17:53 23 period of time, more than a hundred events that they
01:17:57 24 were able to document of sexual abuse.
01:17:59 25 And when you put that together with the

01:18:01 1 pattern or practice that was being revealed there, there
01:18:03 2 were hundreds of acts of sexual abuse going on in the
01:18:06 3 mansion.
01:18:07 4 But then what becomes -- and this is where I
01:18:10 5 indicated that, you know, the answer would continue on.
01:18:12 6 The -- the problem was that the evidence was starting to
01:18:14 7 show that this was a much broader series of events. For
01:18:18 8 example, there were flight logs showing that Mr. Epstein
01:18:21 9 was then flying with underaged girls, and those flight
01:18:27 10 logs, you know, as -- as the flight logs began to
01:18:29 11 develop, for example, we have seen, I know in the last
01:18:32 12 day or two here, one underage girl was Virginia Roberts
01:18:35 13 who is on the flight, you know, with Epstein, and with
01:18:39 14 Maxwell, and those sorts of things.
01:18:41 15 So you start to look at the flight logs and
01:18:43 16 you see what's going on is not just events that are
01:18:46 17 occurring in Florida, but it's occurring on a
01:18:50 18 multi-state basis, which now starts to make it a federal
01:18:53 19 crime. For example, we are seeing evidence that --
01:18:56 20 let's just talk about Virginia Roberts since she's
01:18:58 21 central to this case.
01:18:59 22 We are seeing Virginia Roberts being flown
01:19:02 23 from Florida to New York where she's in the clutches of
01:19:07 24 Jeffrey Epstein who is sexually abusing her, you know,
01:19:12 25 many times a week. And not just Jeffrey Epstein, but

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01:19:15 1 other powerful persons. For example, Ghislaine Maxwell
01:19:18 2 is there with him on all of these flights and apparently
01:19:21 3 being involved in the abuse.
01:19:24 4 Indeed -- and so you -- you have -- you
01:19:27 5 have that. You also start to see on the flight logs,
01:19:30 6 what to my mind are some very sinister things,
01:19:34 7 suggesting that the pattern is not just confined to sort
01:19:36 8 of, you know, the girls that are there in Florida, but
01:19:39 9 it -- it is extending more broadly.
01:19:41 10 Like one of the -- to my mind, sinister and
01:19:44 11 scary things on the flight logs is, we see, you know,
01:19:48 12 Virginia Roberts, who we know has been sexually abused,
01:19:51 13 and we see Jeffrey Epstein, and then we see on the
01:19:54 14 flight logs one female.
01:19:55 15 That's kind of an odd notation for a flight
01:19:59 16 log because, you know, typically, I understand the
01:20:02 17 flight logs, the purpose is, well, if something happens
01:20:04 18 with the flight, or there's some question about who was
01:20:05 19 on it, you want to know who -- who the person was who
01:20:07 20 was on the flight.
01:20:08 21 So, to my mind, when I started to see on
01:20:10 22 these flight logs entries like one female, I viewed that
01:20:15 23 as a potential device for obscuring the fact that there
01:20:17 24 was interstate trafficking of underage girls for
01:20:19 25 purposes of sexual activity. Serious federal offenses.

01:20:22 1 But then that evidence extended, you know,
01:20:26 2 more broadly than that. The evidence also started to
01:20:28 3 show, again, if we talk just about flight logs, that
01:20:31 4 the -- that underage girls such as Virginia Roberts were
01:20:34 5 being flown internationally from, for example, Teterboro
01:20:39 6 in New York to -- to locations, just to pick one, you
01:20:42 7 know, for example, in London, where again sexual abuse
01:20:45 8 was occurring.
01:20:47 9 And so you started to put together this
01:20:50 10 pattern of criminality that was started in this -- you
01:20:54 11 know, I don't know what the right word is here. I don't
01:20:56 12 want to -- I don't want to -- you know, you've heard
01:20:58 13 discussions of hyperbole and things like that, but we
01:21:01 14 have got this nest of -- of -- and I won't say snakes,
01:21:04 15 but we have this nest of criminals in Florida, but it --
01:21:07 16 it seems to be spreading to Epstein's mansion in New
01:21:10 17 York; it seems to be spreading to Ghislaine Maxwell's
01:21:14 18 flat in London, and -- and -- and it goes on.
01:21:17 19 So those are the kinds of things that would
01:21:19 20 have formed the -- the -- the basis, particularly when
01:21:25 21 you -- when you start to add in this fact: What the
01:21:28 22 Palm -- going back now to Florida with the Palm Beach
01:21:31 23 Police Department. What the Palm Beach Police
01:21:33 24 Department has -- had discovered was not a one-off kind
01:21:35 25 of event, you know, on one particular day, one

01:21:37 1 particular girl had been sexually abused.
01:21:40 2 What the Palm Beach Police Department had
01:21:42 3 discovered was brazen, notorious, repetitive activity
01:21:46 4 sometimes occurring as often as three times in a
01:21:48 5 particular day. And so that led me to believe that the
01:21:51 6 sexual activity that was going on in Florida was such
01:21:54 7 that someone who was a regular house guest there would
01:21:57 8 have immediately come to the conclusion that, well,
01:22:00 9 look, gee, there are these underage girls coming in here
01:22:03 10 and they -- they seem to be -- you know, they don't seem
01:22:06 11 to be here to be doing, you know, business activities;
01:22:08 12 they -- they might be here doing other kinds of
01:22:11 13 activities. So those would be the kinds of things that
01:22:13 14 would -- would have formed the factual basis.
01:22:17 15 There are other things as well, but I'm sure
01:22:18 16 you want to ask other questions in addition to that. So
01:22:22 17 I'll stop there, but those -- that's -- I think gives
01:22:24 18 you a small flavor of the kind of evidence that, you
01:22:28 19 know, was form -- undergirding the allegations that were
01:22:32 20 being presented here.
01:22:32 21 Q. It sounds like you quite passionately believe
01:22:35 22 that there was strong evidence that Mr. Epstein had
01:22:39 23 engaged in sexual misconduct; is that right?
01:22:41 24 A. I think "strong" understates it.
01:22:44 25 Q. In the course of that long answer, you didn't

01:22:48 1 mention Professor Dershowitz's name once.
01:22:51 2 A. I said flight logs. And let's talk about
01:22:53 3 flight logs.
01:22:54 4 Q. Let me back up. You didn't answer his
01:22:57 5 name -- mention his name once; is that -- is that your
01:23:00 6 recollection as well?
01:23:00 7 A. That's correct. We were talking about a
01:23:02 8 factual basis, and I'll be glad -- I told you that there
01:23:05 9 were other things if you want, factual basis for -- for
01:23:07 10 Mr. Dershowitz. I'll be glad to add that in. Let me --
01:23:10 11 let's -- let me -- let me -- I would like to supplement
01:23:11 12 my answer then if I could.
01:23:12 13 Q. Do you want to look at a document?
01:23:14 14 A. Yes.
01:23:14 15 Q. Let me first -- have we exhausted your
01:23:16 16 recollection without documents of all the evidence that
01:23:21 17 you would refer to to support the allegation that
01:23:23 18 Professor Dershowitz abused other minors?
01:23:26 19 A. No.
01:23:26 20 MR. SCAROLA: And let me say that you have a
01:23:28 21 right to refer to whatever documents you choose
01:23:31 22 to refer to, to be sure that you give a complete
01:23:35 23 response to the question that has been asked, as
01:23:38 24 long as you understand that whatever you refer to
01:23:40 25 is going to be available to the other side, and

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01:23:43 1 we would be happy to make it available to you.
01:23:45 2 MR. SIMPSON: And -- and I'll give you an
01:23:47 3 opportunity to look at that --
01:23:47 4 THE WITNESS: Sure --
01:23:47 5 BY MR. SIMPSON:
01:23:48 6 Q. -- but I'm entitled to ask first about your
01:23:50 7 recollection.
01:23:51 8 A. **Okay.**
01:23:51 9 Q. Based on your recollection --
01:23:51 10 A. **Right.**
01:23:52 11 Q. -- I want to know all the evidence --
01:23:52 12 A. **Right.**
01:23:54 13 Q. -- you were relying on here.
01:23:55 14 A. **So what -- what I'm going to do is, I'm going**
01:23:57 15 **to make a list here on my -- on my notepad of all the**
01:23:59 16 **things, and then I'm going to compare that with notes I**
01:24:01 17 **have here. There may be a couple things that I don't**
01:24:03 18 **cover.**
01:24:03 19 Q. As long as your counsel is okay with that.
01:24:04 20 A. **Yeah.**
01:24:05 21 Q. You understand you'll have to give that to
01:24:07 22 me?
01:24:07 23 A. **Yeah. I'll give you the notes --**
01:24:07 24 Q. All right.
01:24:09 25 A. **-- and then I will compare with what I've got**

01:24:11 1 **there. So I mentioned the Palm Beach Police Department**
01:24:14 2 **report.**
01:24:15 3 **The next thing that I want to mention is the**
01:24:19 4 **Jane Doe 102 complaint. In August of 2009, Bob**
01:24:27 5 **Josefsberg -- who is, from what I understood, a very**
01:24:32 6 **well-regarded lawyer here in Florida; in fact, a lawyer**
01:24:33 7 **that was selected by the United States Government to**
01:24:36 8 **represent a number of the -- of the girls that had been**
01:24:40 9 **sexually abused by Jeffrey Epstein. He was -- he was**
01:24:43 10 **part of the procedure that was including the**
01:24:45 11 **nonprosecution agreement.**
01:24:46 12 **In August of 2009, he filed a complaint on**
01:24:48 13 **behalf of Virginia Roberts. That complaint indicated**
01:24:54 14 **that Virginia Roberts had been sexually abused in**
01:24:58 15 **Florida, in New York, and in -- in other places, as I**
01:25:02 16 **recall. The thing that -- that I particularly recall**
01:25:06 17 **was that Mr. Josefsberg had said, Virginia Roberts was**
01:25:12 18 **abused by -- and he gave some categories of people.**
01:25:15 19 **He mentioned, I think, business people. He**
01:25:17 20 **mentioned royalty, and he mentioned academicians. And**
01:25:23 21 **so to tie into your question, I knew that Professor**
01:25:25 22 **Dershowitz was an academician. And so what I was seeing**
01:25:29 23 **now was, that according to a very, very respected**
01:25:32 24 **attorney here in Florida, he had found Virginia Roberts**
01:25:34 25 **to be credible, and had filed a lawsuit against**

01:25:38 1 **Mr. Epstein saying that she had been trafficked,**
01:25:41 2 **sexually trafficked, you know, not just abused by**
01:25:44 3 **Mr. Epstein, but now being forcibly sent to, you know,**
01:25:48 4 **other people to abuse.**
01:25:49 5 **And in the categories of people that were**
01:25:52 6 **sexually abusing her were academicians, and I knew that**
01:25:58 7 **Mr. Dershowitz fell within that category of -- of being**
01:26:00 8 **an academician. The -- that complaint also indicated**
01:26:05 9 **that there might be flight logs that would show that**
01:26:08 10 **Virginia Roberts had been sexually abused in these**
01:26:13 11 **various locations. And that started to indicate to me**
01:26:16 12 **that there might be what the law refers to as a common**
01:26:19 13 **scheme or plan. And that, just as Virginia Roberts was**
01:26:23 14 **being trafficked to these powerful people in various**
01:26:26 15 **places, there might well be other girls.**
01:26:28 16 **And so I have mentioned a flight log, and let**
01:26:31 17 **you -- you wanted to talk about Mr. Dershowitz. On --**
01:26:35 18 **on December 30th, 2009, I was aware that there was a**
01:26:39 19 **flight log showing Mr. Dershowitz flying with Tatiana,**
01:26:44 20 **who as far as I can tell was not a business person, was**
01:26:49 21 **not providing financial advice or something else.**
01:26:51 22 **I understood that Mr. Epstein was a**
01:26:53 23 **billionaire who was heavily involved in financial**
01:26:57 24 **issues. I knew that Tatiana was on a plane with**
01:27:01 25 **Mr. Dershowitz, and then there was also, if I recall**

01:27:01 1 **correctly, working from memory as -- as you were**
01:27:04 2 **wondering about, there was a notation that**
01:27:06 3 **Mr. Dershowitz was on a plane with one female.**
01:27:08 4 **And so I was -- when I looked at that, I'm**
01:27:11 5 **seeing Mr. Dershowitz on a -- on a flight with a woman**
01:27:15 6 **who doesn't seem to be there for, frankly anything other**
01:27:18 7 **than sexual purposes or something along those lines with**
01:27:21 8 **Mr. Epstein, with Mr. Epstein, who is a sex trafficker,**
01:27:25 9 **and with one female which seemed to me to be a potential**
01:27:30 10 **entry for disguising international sex trafficking. So**
01:27:33 11 **that was of concern.**
01:27:34 12 **I then began to look at, well, I wonder, how**
01:27:36 13 **would I find out if Mr. Dershowitz had been abusing**
01:27:39 14 **other girls? Let's see. I knew that Virginia Roberts**
01:27:42 15 **had been forced to -- to -- to -- to do this sort of**
01:27:48 16 **thing.**
01:27:56 17 MS. McCAWLEY: You're okay as long as
01:27:56 18 you're -- if you're revealing something that's in
01:27:59 19 an affidavit --
01:27:59 20 THE WITNESS: That's right.
01:27:59 21 MS. McCAWLEY: -- that she submitted, you're
01:27:59 22 fine.
01:28:00 23 THE WITNESS: Right. So -- so what...
01:28:05 24 Let's see. What did I want, at this point --
01:28:05 25

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01:28:05 1 BY MR. SIMPSON:
01:28:09 2 **Q.** Do you want the question back?
01:28:10 3 **A. No. I'm just trying to remember what I was**
01:28:12 4 **thinking about with -- with regard to --**
01:28:15 5 MR. SCAROLA: Do you need the response read
01:28:17 6 back up to the point --
01:28:18 7 THE WITNESS: Yeah, if you would do that,
01:28:20 8 yeah. I just --
01:28:20 9 MR. SCAROLA: -- about privilege arose.
01:28:20 10 THE WITNESS: Yeah. Let's just see what that
01:28:20 11 one --
01:28:21 12 MR. SCAROLA: Just read the last couple of
01:28:22 13 sentences back, or the last two sentences.
01:28:31 14 THE WITNESS: Oh, I'm sorry. Now I remember
01:28:32 15 exactly what I was thinking.
01:28:32 16 How would we go find out whether Mr. Epstein
01:28:35 17 was lending women, or in this case, underage
01:28:39 18 girls, to Mr. Dershowitz for sexual purposes?
01:28:41 19 Well, the first thing I want to do was ask -- you
01:28:45 20 know, I'd -- I'd go ask Jeffrey Epstein.
01:28:47 21 And so what I discovered when I started to
01:28:48 22 look at the transcripts, there were a number of
01:28:52 23 transcripts where Mr. Epstein was asked about
01:28:55 24 Alan Dershowitz. And rather than say, well, no,
01:28:57 25 he wasn't involved in any of these illegal

01:29:00 1 activities, Jeffrey Epstein took the Fifth as the
01:29:03 2 phrase, you know, to be more precise. He
01:29:05 3 exercised his right against compelled
01:29:06 4 self-incrimination and refused to answer the
01:29:09 5 question, which since these were civil cases,
01:29:11 6 indicated to me, since he was being represented
01:29:14 7 by very experienced legal counsel, that there was
01:29:16 8 more than an insignificant risk of incriminating
01:29:19 9 himself if he answered that.
01:29:20 10 And so Jeffrey Epstein now had taken the
01:29:23 11 Fifth. And one of the things that I was aware of
01:29:26 12 having been involved in, you know, civil
01:29:28 13 litigation and criminal litigation in other
01:29:30 14 cases, was that once somebody refuses to answer a
01:29:32 15 question like, you know: Do you know
01:29:35 16 Mr. Dershowitz? And they take the Fifth on that,
01:29:38 17 that you're then entitled to draw what's called
01:29:40 18 an adverse inference. You can -- you can infer
01:29:42 19 that, well, if they answered that question, they
01:29:44 20 would have --
01:29:44 21 MR. SCAROLA: Excuse me.
01:29:44 22 MS. McCAWLEY: Yeah, I want to make an
01:29:44 23 objection here --
01:29:44 24 MR. SCAROLA: Pardon me. Could you please
01:29:47 25 try to control your client --

01:29:47 1 MS. McCAWLEY: Yeah.
01:29:49 2 MR. SCAROLA: -- who keeps jumping up and
01:29:50 3 down and distracting everybody in the room?
01:29:52 4 MS. McCAWLEY: And there was also profanity
01:29:54 5 used earlier. I mean, we just have to settle
01:29:55 6 down on this side, and take a deep breath, and
01:29:58 7 let him answer his questions.
01:29:58 8 MR. SIMPSON: Look, I mean, the same thing
01:29:59 9 was happening on the other side.
01:30:00 10 MR. SCAROLA: No, sir.
01:30:00 11 MS. McCAWLEY: There was no profanity on this
01:30:00 12 side of the table.
01:30:00 13 MR. SCAROLA: No, no, no. There was never
01:30:03 14 anyone who jumped to their feet at any time
01:30:06 15 during the course of the last two days. The only
01:30:08 16 person who keeps jumping up is Alan Dershowitz.
01:30:13 17 Have him pass you a note quietly, if you would,
01:30:16 18 please.
01:30:18 19 MR. SIMPSON: I will disagree with your
01:30:19 20 characterization, but let me say the
01:30:20 21 argumentation --
01:30:21 22 MR. SCAROLA: Excuse me. Are you -- are you
01:30:22 23 making the representation --
01:30:22 24 MR. SIMPSON: No, I'm not.
01:30:23 25 MR. SCAROLA: -- that somebody on this side

01:30:24 1 of the room jumped up?
01:30:25 2 MR. SIMPSON: No, no, no, I'm not.
01:30:26 3 MR. SCAROLA: Okay. Thank you.
01:30:26 4 MR. SIMPSON: I'm not.
01:30:27 5 MR. SCAROLA: And I appreciate that.
01:30:27 6 MR. SIMPSON: And I --
01:30:29 7 MR. SCAROLA: And you do acknowledge that
01:30:30 8 Mr. Dershowitz has repeatedly been jumping up in
01:30:33 9 the middle of testimony, correct?
01:30:36 10 MR. SIMPSON: That's -- he just got up and
01:30:37 11 came over to me. That's the only time I'm aware
01:30:39 12 of, because I'm -- I'm looking at the witness,
01:30:41 13 but he did just do that, and I will pass notes.
01:30:44 14 We won't get up.
01:30:45 15 MR. SCAROLA: Okay. Well, I will tell you --
01:30:45 16 MR. SIMPSON: I'm not going to take time from
01:30:47 17 this.
01:30:47 18 MR. SCAROLA: I will -- I will, for the
01:30:49 19 record, as an officer of the court, represent
01:30:51 20 that there have been multiple times during the
01:30:54 21 course of Professor Cassell's deposition when
01:30:58 22 Alan Dershowitz has jumped up in the middle of
01:31:01 23 the testimony and excitedly whispered in your
01:31:07 24 ear.
01:31:07 25 You may not have realized it because you were

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01:31:08 1 focusing on the witness, but everybody on this
01:31:10 2 side of the room has been distracted by his
01:31:13 3 unprofessional conduct.
01:31:16 4 MR. SIMPSON: I'm not going to argue with
01:31:18 5 you. And I --
01:31:18 6 MR. SCAROLA: Thank you.
01:31:18 7 MR. SIMPSON: -- I disagree with that
01:31:20 8 characterization. There is another attorney
01:31:22 9 sitting between us. We will pass notes.
01:31:24 10 MR. SCAROLA: Thank you.
01:31:25 11 MR. SIMPSON: And we -- and I believe,
01:31:29 12 Ms. McCawley, were you instructing not to answer
01:31:30 13 or what was happening? What did you -- what were
01:31:34 14 you raising?
01:31:34 15 MS. McCAWLEY: No. There was a lot of
01:31:35 16 yelling going on here, so I was trying to make
01:31:37 17 sure that everybody was quiet --
18 MR. SIMPSON: All right.
19 MS. McCAWLEY: -- so that the client could
20 answer.
21 MR. SIMPSON: All right. Let me back up.
22 BY MR. SIMPSON:
01:31:41 23 Q. Professor Cassell, I think you were in the
01:31:41 24 middle of an answer?
01:31:42 25 **A. I was. Yes, if I could conclude --**

01:31:43 1 MR. SIMPSON: All right. Could the court
01:31:44 2 reporter read me the last two lines of your
01:31:46 3 answer?
01:31:46 4 THE WITNESS: Okay.
01:31:46 5 (Thereupon, a portion of the record was read
01:31:46 6 by the reporter.)
01:31:46 7 BY MR. SIMPSON:
01:32:26 8 Q. Okay. Can you pick up then?
01:32:27 9 **A. Sure. I'll pick up -- pick up the --**
01:32:27 10 Q. Okay.
01:32:31 11 **A. So I was beginning to draw an adverse**
01:32:31 12 **inference when Jeffrey Epstein, who is at the heart of**
01:32:34 13 **the sexual abuse of, not only Virginia Roberts, but**
01:32:39 14 **dozens and dozens and dozens of -- of girls literally**
01:32:40 15 **scattered across the globe, takes the Fifth, refuses to**
01:32:43 16 **answer the question, off the top of my head, I can't**
01:32:46 17 **recall exactly, but something along lines of: Do you**
01:32:48 18 **know Alan Dershowitz? And he says, I take the Fifth.**
01:32:50 19 **That sort of, frankly, startled me, that -- that this**
01:32:55 20 **international sex trafficker was taking the Fifth now**
01:32:57 21 **when asked about Mr. Dershowitz.**
01:33:01 22 **And so I was stymied in trying to get**
01:33:04 23 **information from Mr. Epstein at that point. I think**
01:33:07 24 **there were two depositions, if I recall correctly off**
01:33:09 25 **the top of my head, that -- that I had an opportunity to**

01:33:11 1 **review, in which he took the Fifth when asked questions**
01:33:13 2 **about Dershowitz.**
01:33:14 3 **So, at that point, in trying to figure out,**
01:33:17 4 **you know, whether Mr. Dershowitz was involved in**
01:33:20 5 **sexually abusing, not only Virginia Roberts, but in**
01:33:24 6 **other girls, then you go down to the next level, next**
01:33:26 7 **layer of the criminal conspiracy.**
01:33:28 8 **Epstein is at the top, so you go to the next**
01:33:31 9 **layer. These are, you know, basically the -- the women**
01:33:33 10 **who, from what I could gather, were -- were older than**
01:33:36 11 **the age that Epstein wanted to sexually abuse. I think**
01:33:40 12 **these were 22 and 23-year-old girls, so they had, you**
01:33:44 13 **know, essentially aged out of being his sexual abuse**
01:33:47 14 **victims, but they continued to -- what they would do is**
01:33:50 15 **collect girls for him under the age of 18, that I guess**
01:33:53 16 **was in his target range.**
01:33:55 17 **And so what -- so the next person I wanted to**
01:33:58 18 **talk to, you know, and get information from was Sarah**
01:34:01 19 **Kellen. Sarah Kellen is on a lot of these flight logs**
01:34:04 20 **with, you know, these girls that -- or women and with**
01:34:07 21 **Epstein and others, and so I wanted to talk to Sarah**
01:34:07 22 **Kellen.**
01:34:11 23 **But what I discovered there was that, when**
01:34:15 24 **Sarah Kellen was asked about Alan Dershowitz, she took**
01:34:18 25 **the Fifth, and there was -- she wasn't the only one.**

01:34:21 1 **There was Miss Mucinska, who also took the Fifth when**
01:34:25 2 **asked questions about Alan Dershowitz.**
01:34:27 3 **And then there was Marcin -- Miss Marcinkova**
01:34:30 4 **who also took the Fifth. So what we -- what I had at**
01:34:33 5 **this point was Jeffrey Epstein's international sex**
01:34:35 6 **trafficking organization. I had the next echelon, and**
01:34:38 7 **both the top kingpin of the sex trafficking**
01:34:42 8 **organization, and the next echelon had taken the Fifth,**
01:34:46 9 **had refused to answer questions about Alan Dershowitz.**
01:34:49 10 **And so, at -- at that point, I was drawing an**
01:34:51 11 **adverse inference, not just from one person, but from**
01:34:54 12 **four persons, and that adverse inference was being**
01:34:57 13 **strengthened by the surrounding circumstances, some of**
01:35:00 14 **which we have already talked about.**
01:35:00 15 **One of the things that -- that really**
01:35:02 16 **bolstered the adverse inference that I was drawing in**
01:35:05 17 **this case was that I've mentioned those three girls,**
01:35:09 18 **Kellen, Mucinska, and Marcinkova. They were all covered**
01:35:12 19 **by a nonprosecution agreement. And the nonprosecution**
01:35:15 20 **agreement was highly unusual.**
01:35:17 21 **I -- I had been a federal prosecutor for**
01:35:18 22 **about four years, I had been a federal judge for about**
01:35:21 23 **five-and-a-half years, so I had seen a lot of -- of, you**
01:35:23 24 **know, nonprosecution types of arrangements. And one of**
01:35:26 25 **the things that was very unusual in this one is, it has**

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01:35:29 1 what I'll refer to as the blank-check immunity
01:35:33 2 provision.
01:35:34 3 There was a provision in the nonprosecution
01:35:36 4 agreement that said, this agreement will prevent federal
01:35:40 5 prosecution for international and interstate sex
01:35:43 6 trafficking, not only of Jeffrey Epstein, and not only
01:35:46 7 of the four women who were identified, but -- and this
01:35:49 8 is a direct quote: Any other potential co-conspirator,
01:35:53 9 close quote.
01:35:55 10 And so that was unusual because what it --
01:35:57 11 what it seemed to be doing was that somehow this
01:35:58 12 agreement was quite out of the normal and had been
01:36:00 13 designed to extend immunity to other people that might
01:36:04 14 have been associated with Epstein.
01:36:05 15 And I knew that that category included the
01:36:09 16 people that were involved in negotiating this highly
01:36:11 17 unusual provision included Mr. Dershowitz, who had been
01:36:14 18 heavily involved, not only in the drafting of the
01:36:18 19 agreement, but had also been involved remarkably in
01:36:22 20 attacking the credibility of these girls and saying
01:36:25 21 things like, you know, it was -- Epstein wasn't
01:36:28 22 targeting minor girls, which just struck -- you know, I
01:36:33 23 was -- I don't want to use a technical term,
01:36:35 24 gob-smocked, that a defense attorney with an obligation
01:36:37 25 to tell the truth was making a factual representation

01:36:42 1 that Jeffrey Epstein was not targeting minor girls, when
01:36:44 2 the Palm Beach Police Department had collected, you
01:36:47 3 know, 23 of them that had all given essentially
01:36:50 4 interlocking stories about how they had all gone over to
01:36:54 5 this house, you know, the mansion, to give a massage and
01:36:57 6 when they had gotten there, they had been sexually
01:36:58 7 abused.
01:36:58 8 So the kingpin wouldn't talk. The next
01:37:01 9 echelon of the trafficking organization wouldn't talk.
01:37:03 10 So the next step was to say, okay, let's see if we can
01:37:06 11 find somebody, you know, lower level in there, you know,
01:37:08 12 a household employee or something like that; maybe they
01:37:10 13 will have some information about, you know, what this
01:37:12 14 criminal organization is doing.
01:37:14 15 Now, let's -- let's understand, you know,
01:37:16 16 given the pervasiveness of the -- of the criminal
01:37:19 17 activity, I -- I wasn't convinced that they were going
01:37:21 18 to be able to get in there and start saying exactly what
01:37:24 19 was going on because they might well be exposing
01:37:26 20 themselves to criminal -- you know, criminal
01:37:29 21 culpability.
01:37:30 22 But I -- I was able to read a sworn
01:37:32 23 deposition from Juan Alessi, and Juan Alessi -- I
01:37:37 24 think -- I don't know. Maybe just to speed things up
01:37:38 25 today, I won't go through all the things that are --

01:37:40 1 that are said there, but Alessi puts Mr. Dershowitz at
01:37:46 2 the nest of this international sex trafficking
01:37:47 3 organization. Let's see. I think he said four or five
01:37:51 4 times a year, two or three -- you know, two or three
01:37:55 5 days when he goes there.
01:37:56 6 And let's be clear, I know Mr. Dershowitz had
01:37:58 7 said at some points like, I'm an attorney, and that's my
01:38:00 8 client and so forth. And Alessi said, no, but this was
01:38:03 9 not in a -- in a lawyer/client capacity; this is in a
01:38:09 10 friend capacity.
01:38:10 11 And so now we have Alessi putting him there
01:38:12 12 at the same time when young girls were there. And one
01:38:15 13 of the -- the -- the things that I picked up, so is
01:38:17 14 Alessi -- you know, is he able to figure out who these
01:38:19 15 girls are?
01:38:20 16 A photograph of Virginia Roberts is shown to
01:38:22 17 Juan Alessi in the deposition, and he I.D.s the
01:38:26 18 photograph as, you know, V.R., so he -- he had, you
01:38:30 19 know, put two and two together.
01:38:30 20 So now I've got V.R. coming to the house at a
01:38:34 21 time when Mr. Dershowitz is also in the house, and
01:38:37 22 apparently spending, you know, two to three nights there
01:38:40 23 and doing this four or five times a year.
01:38:45 24 Now, Alessi wasn't the only one. There was
01:38:48 25 Alfredo Rodriguez who was there in about 2004 to 2005,

01:38:53 1 after the time period of Virginia Roberts, but it's part
01:38:56 2 of the common scheme or plan that we've been discussing
01:38:59 3 here.
01:38:59 4 And so in 2005, Alfredo Rodriguez says, yeah,
01:39:02 5 again, Mr. Dershowitz is there at a time when these
01:39:05 6 massages are going on. When you start to look at Alessi
01:39:09 7 and Rodriguez's statements in context where they're --
01:39:14 8 they're saying he's there at the same time the massages
01:39:16 9 are occurring, and with the West Palm Beach Police
01:39:19 10 Department reports showing that massages are of a sexual
01:39:22 11 nature, again, it started to put two and two together.
01:39:26 12 One of the things that was particularly
01:39:30 13 important about Rodriguez's situation was that Rodriguez
01:39:34 14 had an access to what's been called the little black
01:39:38 15 book, or I think he referred to it as the holy grail.
01:39:40 16 This was Jeffrey Epstein's, you know, telephone book
01:39:42 17 where he had telephone numbers in it.
01:39:45 18 And so Rodriguez had that and, you know, I
01:39:48 19 guess thought that this would be worth a lot of money
01:39:50 20 because it would -- you know, it would identify all of
01:39:52 21 the people that have been sexually abused by -- by
01:39:54 22 Jeffrey Epstein. And so he tried to sell it. The FBI
01:39:57 23 busted him for that.
01:39:58 24 And when the FBI busted him, now he's got
01:40:00 25 this book. And so the book went to Alessi, and

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01:40:05 1 according to a -- to a later FBI report, Alessi
01:40:07 2 identified information that was pertinent to the FBI's
01:40:07 3 investigation.
01:40:11 4 And so when I look at the little black book
01:40:14 5 that I have seen copies of, there are a handful of names
01:40:17 6 in that black book that have been circled, apparently by
01:40:22 7 Mr. Rodriguez, and one of the names that's -- that has
01:40:25 8 been circled is Alan Dershowitz. And so that, to me,
01:40:30 9 was suggesting that Mr. Rodriguez had identified, you
01:40:35 10 know, Alan Dershowitz as somebody who had information
01:40:38 11 about this -- this international sex trafficking ring.
01:40:40 12 But just as a side note, but an important
01:40:42 13 note, when the -- the thing that was circled on the Alan
01:40:46 14 Dershowitz page was not a single phone number
01:40:49 15 indicating, you know, somebody had bumped -- you know,
01:40:51 16 Epstein had bumped into at one point. I believe there
01:40:56 17 were 10 or 11 phone numbers that were associated with
01:40:57 18 Mr. Dershowitz that had all been circled and an e-mail
01:41:00 19 address as well.
01:41:02 20 So that started to corroborate my sense that
01:41:05 21 Mr. Dershowitz was, indeed, a very close friend of
01:41:10 22 Jeffrey Epstein. Now, I had then continued to do --
01:41:14 23 there's been reference today to, you know, using Google
01:41:16 24 to do research and so forth. So I Googled Jeffrey
01:41:20 25 Epstein and one of the things that pops up rather

01:41:22 1 rapidly is an article in Vanity Fair.
01:41:25 2 And what you see in that article is, you
01:41:28 3 know, discussion about Mr. Epstein, but when you're
01:41:33 4 trying to do a profile of someone, you try to figure out
01:41:34 5 who that person's closest friends are.
01:41:35 6 And so the Vanity Fair author had gone to
01:41:38 7 Alan Dershowitz, you know, our -- Mr. Dershowitz here,
01:41:42 8 and had asked him, hey, what do you know about Jeffrey
01:41:45 9 Epstein?
01:41:46 10 And, again, off the top of my head, you want
01:41:47 11 to know what I can remember right now. What I can
01:41:49 12 remember right now is that in the Vanity Fair article,
01:41:53 13 the -- in the Vanity Fair article, Mr. Dershowitz said,
01:41:59 14 I've written 20-some odd books; there's only one person
01:42:03 15 outside my immediate family with whom I share drafts,
01:42:06 16 and that's Jeffrey Epstein.
01:42:08 17 So I took that as indicating a -- a very
01:42:10 18 close personal association that -- you know, among the
01:42:13 19 people that -- that obviously he's sharing this -- these
01:42:15 20 kinds of things that he wants evaluated before he shares
01:42:18 21 them with the broader world, there's his immediate
01:42:21 22 family and then there's -- there's Jeffrey Epstein.
01:42:23 23 There was also another similar quote in the
01:42:24 24 article that indicated that -- that Mr. Dershowitz said
01:42:29 25 that he wasn't interested in Epstein just because he had

01:42:32 1 a lot of money. I mean, Epstein was identified as a
01:42:32 2 billionaire in this article, billionaire with -- with a
01:42:38 3 B, so the record is clear.
01:42:39 4 But he said, look, if Epstein lost all his
01:42:43 5 money -- I'm paraphrasing here -- I would be, you know,
01:42:44 6 happy to walk down, you know, the Coney Island Boardwalk
01:42:47 7 with him and discuss things with him, as -- you know,
01:42:49 8 even if he didn't have any money.
01:42:50 9 So now I'm seeing Dershowitz is a very close
01:42:54 10 personal friend of Jeffrey Epstein. And then I started
01:42:58 11 to look at flight logs. There were -- there were some
01:43:01 12 very interesting things that I noticed on the flight
01:43:04 13 logs.
01:43:04 14 One of the things I noticed was when I began
01:43:07 15 to, you know, get into this, that, you know, I was
01:43:13 16 wondering, well, what -- well, how do these flight logs
01:43:14 17 come into the possession of, you know, law enforcement
01:43:16 18 agencies? And the answer turned out to be that they had
01:43:20 19 been provided by Epstein's defense attorney and -- and,
01:43:23 20 you know, coincidentally, I suppose, or in my mind,
01:43:27 21 suspiciously, they were not provided by just any defense
01:43:30 22 attorney on this rather large defense team. They were
01:43:33 23 provided by one attorney according to Detective Recarey.
01:43:36 24 Detective Recarey testified under oath that the flight
01:43:39 25 logs were provided to him by Alan Dershowitz.

01:43:41 1 So one of the things that was -- was
01:43:43 2 interesting is, Dershowitz has had access to these
01:43:45 3 flight logs, and now I'm beginning to wonder, well, has
01:43:48 4 there been an opportunity to sanitize those flight logs
01:43:50 5 or remove any incriminating information?
01:43:52 6 And -- and one of the things that was
01:43:54 7 interesting about the flight logs that were produced --
01:43:56 8 I believe just so the record is clear, that was Exhibit
01:44:02 9 1 that -- if we could -- if I could refer -- I need to
01:44:04 10 refresh my recollection as to -- well, I don't -- you
01:44:07 11 may not want me to look at documents.
01:44:08 12 It was either Exhibit 1 or 2 this morning
01:44:11 13 during Dershowitz's deposition which was covering a time
01:44:15 14 period of January to, I believe, September 2005. These
01:44:20 15 were flight logs that were produced by Mr. Dershowitz to
01:44:23 16 the Palm Beach Police Department.
01:44:25 17 And you wonder why did they stop in
01:44:27 18 September -- you know, why stop in September 2005?
01:44:31 19 What's the significance of that? Well, later on,
01:44:35 20 additional flight logs were obtained, and sure enough,
01:44:39 21 who shows up on an October 2005 flight log with Jeffrey
01:44:45 22 Epstein? Mr. Dershowitz.
01:44:46 23 So that led to a suspicion that
01:44:49 24 Mr. Dershowitz had provided to the Palm Beach Police
01:44:52 25 Department flight logs that, the time period of which

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01:44:54 1 for the production had been carefully crafted to keep
01:44:57 2 him out of it; in other words, to not produce the
01:44:59 3 October 2005 version.
01:45:03 4 The other thing I -- I began to discover as I
01:45:05 5 started going through some flight logs, Dave Rogers, who
01:45:08 6 is one of I think about three pilots that -- that
01:45:10 7 Epstein regularly relied on to fly his -- you know, he
01:45:13 8 had very fancy -- to use the technical term -- jets.
01:45:18 9 There were about -- there were about three pilots there.
01:45:20 10 One of them had some flight logs and that --
01:45:24 11 that was Pilot Dave Rogers, if I'm recalling his name
01:45:26 12 correctly. And so later on in the litigation, the sex
01:45:30 13 abuse litigation against Epstein, flight logs were
01:45:34 14 obtained from Dave Rogers, and it was possible to -- to
01:45:37 15 compare -- I'm sorry. I don't mean to -- I want to make
01:45:40 16 sure I get -- you know, the question is: How much can I
01:45:42 17 remember and I'm trying to make sure I get -- get it all
01:45:44 18 in.
01:45:45 19 And so the flight logs were produced from
01:45:48 20 Dave Rogers. And so Dave Rogers produced some flight
01:45:51 21 logs, and some of the flights that he produced logs for
01:45:56 22 coincided with the logs that Mr. Dershowitz had provided
01:45:59 23 to the Palm Beach Police Department, and there were
01:46:01 24 inconsistencies. And so that, again, aroused my
01:46:05 25 suspicion that maybe Mr. Dershowitz when he had --

01:46:08 1 MR. SCOTT: I just got a call from a lawyer
01:46:09 2 on the screen. His -- his phone is not working,
01:46:10 3 Epstein's lawyer, Darren Indyke.
01:46:10 4 MR. SIMPSON: Why don't --
01:46:15 5 MR. SCAROLA: Do you want to take a break for
01:46:17 6 a second?
01:46:17 7 MR. SIMPSON: Well, why don't -- well, why
01:46:17 8 don't we let him finish his answer?
01:46:18 9 MR. SCAROLA: Let him finish the answer.
01:46:20 10 MR. SCOTT: Yeah, let's do that. You're
01:46:20 11 right.
01:46:21 12 MR. SCAROLA: Although it may take a while.
01:46:21 13 THE WITNESS: It -- it's, I mean, the
01:46:21 14 question --
01:46:21 15 MR. SCAROLA: Yeah. But let's --
01:46:25 16 MR. SCOTT: I don't care.
01:46:25 17 MR. SCAROLA: Okay. Let's -- let's go ahead
01:46:27 18 and finish.
01:46:27 19 MR. SCOTT: Let's go ahead and finish the
01:46:29 20 answer. We heard this much.
01:46:29 21 MR. SCAROLA: Good. Thank you.
01:46:29 22 THE WITNESS: Okay. So there --
01:46:31 23 MR. SCOTT: I don't want to break him on a
01:46:32 24 roll.
01:46:33 25 MR. SCAROLA: Thanks.

01:46:33 1 THE WITNESS: Right. No, I mean, I want to
01:46:36 2 make -- I want to make clear that there was a lot
01:46:37 3 of information that I was relying on in filing
01:46:40 4 this pleading, and -- and, of course, the later
01:46:42 5 pleading. So we are on the subject of flight
01:46:44 6 logs.
01:46:44 7 Flight logs showed that the flight logs
01:46:46 8 Mr. Dershowitz had produced to Detective Recarey
01:46:49 9 were incomplete and inaccurate. And so that led
01:48:52 10 to concern on my part that Mr. Dershowitz had had
01:46:55 11 an opportunity to sanitize the flight logs,
01:46:57 12 had -- had -- had provided incomplete production,
01:47:01 13 you know, obviously, very important production
01:47:02 14 that the Palm Beach Police Department was looking
01:47:05 15 at.
01:47:06 16 Then we got some additional flight logs from
01:47:09 17 Dave Rogers. And what those flight logs
01:47:11 18 showed -- first off, let's talk again about
01:47:14 19 the -- the production of those flight logs.
01:47:17 20 My recollection is that Dave Rogers's flight
01:47:21 21 logs were provided by Bruce Reinhart who was a
01:47:24 22 former Assistant U.S. Attorney who had been
01:47:26 23 inside the Southern District of Florida Office at
01:47:29 24 a time when the Epstein case was the subject of
01:47:32 25 regular discussion in that office.

01:47:33 1 And then he had gone to work for some kind of
01:47:36 2 a -- a law firm or private operation that was
01:47:39 3 located adjacent to Mr. Epstein's business. And
01:47:44 4 so, now, Reinhart, who appeared to be being paid
01:47:48 5 by Mr. Epstein, and certainly was adjacent to
01:47:49 6 Mr. Epstein's business office, was producing
01:47:51 7 these flight logs.
01:47:52 8 So that, again, aroused suspicion that the
01:47:54 9 flight logs that were being produced would have
01:47:57 10 been sanitized or inaccurate.
01:47:58 11 But even -- I mean, you know, I think the
01:48:00 12 problem with -- you know, you can't sanitize
01:48:02 13 everything. That would be too suspicious. And
01:48:04 14 so what -- what was -- was -- what was evident on
01:48:07 15 these flight logs was, for example, approximately
01:48:11 16 ten flights by Mr. Dershowitz with Tatiana has --
01:48:18 17 has been discussed; with Maxwell; with Jeffrey
01:48:21 18 Epstein. One of them had one female, which,
01:48:25 19 again, in the context that I was looking at,
01:48:27 20 seemed to be a potential code word for
01:48:28 21 underage -- underage girl.
01:48:32 22 And so those flight logs showed, you know,
01:48:35 23 again, close association and travel with --
01:48:40 24 with -- with -- with Mr. Dershowitz, and
01:48:47 25 Mr. Epstein.

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01:48:51 1 Another thing that I had, and I will not
01:48:53 2 reveal any privileged communications here or any
01:48:56 3 confidential information, but on December 30th, I
01:48:59 4 was aware that one of the preeminent lawyers in
01:49:02 5 the United States, David Boies, had agreed to
01:49:07 6 represent Virginia Roberts. And given the vast
01:49:11 7 amount of business that -- that, you know, tries
01:49:13 8 to get in the door --
01:49:15 9 MR. SIMPSON: Could I interrupt? I mean, I
01:49:17 10 think we are going towards a waiver here.
01:49:19 11 MS. McCAWLEY: Yeah. No, no, no, I do not --
01:49:20 12 MR. SIMPSON: We can't have testimony
01:49:21 13 about --
01:49:21 14 MS. McCAWLEY: Yeah.
01:49:22 15 MR. SIMPSON: -- this is one of the most
01:49:22 16 respected people in the country, or lawyers in
01:49:26 17 the country, and then you won't answer the
01:49:28 18 questions --
01:49:26 19 THE WITNESS: Okay.
01:49:28 20 MR. SIMPSON: -- you said not to answer.
01:49:28 21 MS. McCAWLEY: Oh. Well, describing David
01:49:30 22 Boies in general --
01:49:30 23 MR. SIMPSON: I agree with the description.
01:49:31 24 MS. McCAWLEY: -- doesn't constitute a
01:49:32 25 waiver.

01:49:32 1 MR. SIMPSON: He's a distinguished lawyer.
01:49:32 2 MR. SCAROLA: And I don't think we are
01:49:33 3 getting beyond anything that is a matter of
01:49:37 4 public record.
01:49:37 5 MR. SIMPSON: I just -- I --
01:49:38 6 MS. McCAWLEY: But I appreciate you --
01:49:38 7 MR. SIMPSON: Be aware of waiver.
01:49:39 8 MS. McCAWLEY: -- letting me know that.
01:49:40 9 THE WITNESS: All right. I will be -- I will
01:49:41 10 not waive anything, and if I start to do that, I
01:49:43 11 would certainly request the opportunity to -- to
01:49:45 12 retract what I'm doing, but I was aware -- since
01:49:48 13 the issue is, well, what's in the public record,
01:49:50 14 I was aware that, you know, probably the most
01:49:52 15 significant United States Supreme Court case
01:49:55 16 argued in the last 20 years was Bush versus Gore,
01:49:58 17 which was a case that essentially determined who
01:50:01 18 was going to be President of the most powerful
01:50:03 19 country in the world.
01:50:04 20 There were two attorneys who argued that case
01:50:05 21 in front of the United States Supreme Court, and
01:50:07 22 arguing for the Democratic Presidential
01:50:10 23 Candidate, Al Gore, was David Boies.
01:50:12 24 He had put his credibility on the line in
01:50:16 25 arguing the Bush versus Gore case, and without

01:50:19 1 going into any confidential communications or
01:50:22 2 trying to waive in any way, I knew that David
01:50:24 3 Boies had agreed to represent Virginia Roberts,
01:50:27 4 which gave me additional confidence in the fact
01:50:30 5 that I was also representing this young woman in
01:50:34 6 her effort to bring sex traffickers to justice,
01:50:37 7 and those who had sexually abused her to justice.
01:50:41 8 And so those are things that come to mind
01:50:46 9 immediately as -- let me just take a second and
01:50:50 10 see if there were other things regarding
01:50:56 11 Dershowitz that -- that come immediately --
01:51:01 12 immediately to mind.
01:51:03 13 Oh, one of the things was in the Jane Doe 102
01:51:09 14 complaint, which alleged academicians that had --
01:51:14 15 that had abused -- sexually abused Jane Doe 3,
01:51:19 16 there -- there were -- so that raises a question,
01:51:24 17 obviously, of who were the academicians that Bob
01:51:30 18 Josefsberg had identified?
01:51:31 19 I can't recall, actually. Let me -- the
01:51:33 20 record should be clear, I can't recall
01:51:34 21 immediately whether it was singular or plural.
01:51:36 22 It may have been plural, but if it's singular, I
01:51:38 23 don't want to suggest that there were other
01:51:40 24 academicians, but at least one academician had
01:51:42 25 sexually abused Jane Doe 3, according to the

01:51:45 1 complaint that had been filed by Bob Josefsberg.
01:51:48 2 There were two things that were of interest
01:51:49 3 to that: One was that Mr. Epstein, the man that
01:51:51 4 I wasn't able to get information from because he
01:51:54 5 was invoking the Fifth, had refused or declined
01:51:57 6 to file an answer to that complaint.
01:52:00 7 Rather than deny the allegations, he had,
01:52:03 8 ultimately, it's my understanding -- I don't have
01:52:05 9 inside information and I'm not trying to waive
01:52:07 10 any information, but my understanding is that
01:52:09 11 rather than answer the complaint, he settled the
01:52:11 12 case through the payment of some kind of
01:52:13 13 compensation that Jane Doe 102 found desirable
01:52:17 14 for dropping her claim.
01:52:19 15 The other thing that I found interesting is
01:52:21 16 that Josefsberg's partner, I believe it is,
01:52:25 17 Miss Ezell, had been to some of the depositions
01:52:29 18 of, for example, I believe Juan Alessi and
01:52:33 19 Alfredo Rodriguez. And I believe at least one of
01:52:35 20 those, and perhaps both of those. And she had
01:52:36 21 asked questions about Alan Dershowitz in those
01:52:39 22 depositions, but had not asked questions about
01:52:42 23 other academics in those depositions.
01:52:45 24 So that led me to conclude that Bob
01:52:51 25 Josefsberg and his outstanding law firm had

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01:52:51 1 identified Alan Dershowitz as someone who had
01:52:54 2 information relevant -- and let's be clear, that
01:52:56 3 this is not a lawsuit about some contract dispute
01:52:58 4 or something -- that he was someone who had
01:53:00 5 information relevant to the sexual abuse of
01:53:02 6 underage girls and, indeed, they were asking
01:53:05 7 questions about what information -- what
01:53:07 8 information he might have.
01:53:09 9 Another -- I know, I remember now, there's a
01:53:11 10 whole other line of things that -- that I had in
01:53:13 11 mind at the time, and I think since you want to
01:53:16 12 test my memory -- I'm not -- let me be clear.
01:53:19 13 I'm not claiming I have a superb memory. I have
01:53:21 14 an average memory, but this is a subject that's
01:53:22 15 very important to me, and so I've worked, you
01:53:26 16 know, very hard to get all the information.
01:53:31 17 I would like to take a break.
01:53:32 18 MR. SCAROLA: Sure. Take a break.
01:53:33 19 THE VIDEOGRAPHER: We are going off the video
01:53:36 20 record, 3:27 p.m.
02:07:43 21 (Thereupon, a recess was taken.)
02:07:43 22 THE VIDEOGRAPHER: We are back on the video
02:08:03 23 record, 3:41 p.m.
02:08:06 24 THE WITNESS: I want to continue my answer.
02:08:08 25 I'm sorry. I got emotional there for a moment.

02:08:12 1 I want to do a good job for Virginia Roberts
02:08:12 2 on -- on representing all the -- the evidence
02:08:14 3 that is available to support her.
02:08:16 4 The next thing that I was thinking of was,
02:08:19 5 all right, then the question is: Well, what does
02:08:23 6 Mr. Dershowitz have to say about all this? So I
02:08:27 7 started to look at the information on that as
02:08:28 8 well.
02:08:29 9 In 2009, there had been a deposition request
02:08:34 10 sent to Mr. Dershowitz, and I -- I saw a document
02:08:37 11 showing that that had actually been served on --
02:08:40 12 on him, and, you know, to the extent that what I
02:08:44 13 saw was a -- I think a receipt from the process
02:08:48 14 server, or something along those lines, so I saw
02:08:51 15 attempt to contact him in -- in 2009.
02:08:53 16 And then I saw an additional attempt to
02:08:55 17 contact him in 2011. Mr. Scarola had sent him a
02:09:01 18 note and there was, you know, some back and
02:09:03 19 forth. The -- the one note that -- that jumped
02:09:06 20 out to me was one in which Mr. Scarola had
02:09:09 21 written to Mr. Dershowitz, I think the phrase
02:09:12 22 was: Multiple witnesses have placed you in the
02:09:14 23 presence of Jeffrey Epstein and underage girls; I
02:09:18 24 would like to depose you about those subjects.
02:09:21 25 And the answer that came back was not, well,

02:09:23 1 let me clear all of that misunderstanding up.
02:09:25 2 You know, that's -- frankly, if I had gotten
02:09:28 3 something like that, that's what I would have
02:09:29 4 said.
02:09:30 5 The answer that came back was -- from
02:09:32 6 Mr. Dershowitz was something along the lines of,
02:09:34 7 if I remember correctly, well, tell me what
02:09:36 8 you -- you -- tell me what you want to know and
02:09:38 9 I'll decide whether to cooperate, was I think
02:09:41 10 the phrase that was used. And -- and so there
02:09:43 11 was an attempt, you know, a 2009 attempt, a 2011
02:09:46 12 attempt to get information from Mr. Dershowitz.
02:09:49 13 Then there was another subpoena without
02:09:52 14 deposition for -- for documents. You know, we
02:09:54 15 have heard a lot about records in this case that
02:09:57 16 could prove innocence. There was a records
02:09:58 17 request to Mr. Dershowitz in 2013. And, again,
02:10:01 18 my understanding was that there was no -- you
02:10:03 19 know, no documents were provided on that.
02:10:07 20 And so those -- I had that information.
02:10:11 21 Another bit of information that I had was that in
02:10:14 22 2011, I believe in early April -- this is not
02:10:19 23 attorney/client privileged information from
02:10:21 24 Virginia Roberts. This is a telephone call that
02:10:23 25 she placed from Australia where she had been

02:10:27 1 essentially forced into hiding by Jeffrey
02:10:28 2 Epstein. She managed to escape and was hiding
02:10:31 3 out in -- in Australia, and that she would --
02:10:36 4 that somehow, you know, Mr. Scarola and
02:10:38 5 Mr. Edwards were able to reach her and there was
02:10:41 6 a telephone call that was made.
02:10:43 7 And in that telephone call she identified
02:10:46 8 Alan Dershowitz as someone who would have
02:10:48 9 relevant information about Jeffrey Epstein and
02:10:50 10 the sexual abuse of underage girls.
02:10:53 11 And so I had that information as well. So
02:11:01 12 that, as I understand, the question was: What
02:11:01 13 could I recall off the top of my head with regard
02:11:05 14 to the factual basis for information connecting
02:11:07 15 Mr. Dershowitz with the sexual abuse of minor
02:11:12 16 girls, plural, and that, sitting here at this
02:11:15 17 moment, is the best that I can recall for the
02:11:18 18 information along those lines.
02:11:18 19 BY MR. SIMPSON:
02:11:21 20 **Q.** Was that answer --
02:11:21 21 MR. SCAROLA: Excuse me. Before -- before
02:11:23 22 you go on to another subject, Professor Cassell
02:11:26 23 is entitled to refresh his recollection to give
02:11:29 24 you a complete response. So why don't you go
02:11:31 25 ahead and do that now. Make sure you've covered

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02:11:34 1 everything.
02:11:34 2 MR. SIMPSON: I'm -- I think I get to ask the
02:11:36 3 questions, but I was going to ask the same
02:11:38 4 question.
02:11:39 5 MR. SCAROLA: Wonderful. We are on the same
02:11:40 6 page.
02:11:40 7 BY MR. SIMPSON:
02:11:41 8 Q. Mr. Cassell, you -- you mentioned that you
02:11:43 9 had something that you had prepared --
02:11:44 10 A. **Yes.**
02:11:44 11 Q. -- that would summarize --
02:11:46 12 A. **Right.**
02:11:46 13 Q. -- your knowledge.
02:11:48 14 A. **Right.**
02:11:48 15 Q. And now that you have exhausted your
02:11:51 16 recollection, could you produce that and let's just mark
02:11:54 17 it --
02:11:54 18 A. **Yeah, sure.**
02:11:55 19 Q. -- as an exhibit?
02:11:56 20 MR. SIMPSON: We are up to Exhibit 3, I
02:11:59 21 believe. Cassell 3.
02:12:01 22 THE WITNESS: Right. Now, there -- there are
02:12:01 23 two parts to this --
02:12:02 24 MR. SIMPSON: Can we mark it first and
02:12:02 25 then --

02:12:04 1 THE WITNESS: Yeah. I just want the record
02:12:06 2 to be clear, that I'm only looking -- there's --
02:12:07 3 there's a pre-December 30th section and a
02:12:10 4 post-December 30th section, so the top part is
02:12:13 5 the -- is what I was working off of.
02:12:13 6 BY MR. SIMPSON:
02:12:15 7 Q. Okay.
02:12:15 8 A. **Now, underneath this is -- you know, if you**
02:12:18 9 **have questions about what happened after December 30th.**
02:12:19 10 Q. So you're -- you're prepared to produce the
02:12:22 11 entire document, but you're clarifying? I don't -- I
02:12:24 12 don't want to ask you -- if you're going to use it in
02:12:26 13 your testimony, then we will mark the whole thing.
02:12:27 14 MR. SCAROLA: Mark the whole thing. You can
02:12:30 15 use it.
02:12:30 16 MR. SIMPSON: Mark the whole thing and I'll
02:12:30 17 ask you about it.
02:12:30 18 THE WITNESS: That would be great.
02:12:33 19 Absolutely.
02:12:33 20 MR. SIMPSON: All right. I'm going to ask
02:12:35 21 the court reporter to mark as Cassell Exhibit 3,
02:12:39 22 a one-page document that the witness has just
02:12:42 23 handed to me. It's mostly typed. It has some
02:12:44 24 handwriting on it.
02:12:45 25 (Cassell I.D. Exhibit No. 3 - one-page

02:12:45 1 document produced by the witness was marked for
02:12:45 2 identification.)
02:13:10 3 THE WITNESS: All right. So let me -- if I
02:13:11 4 could look at this to see if it -- the top
02:13:13 5 portion of it to see if it refreshes my
02:13:13 6 recollection about --
02:13:13 7 BY MR. SIMPSON:
02:13:16 8 Q. Could I just see it for one second?
02:13:18 9 A. **Sure. Absolutely.**
02:13:21 10 Q. All right. Yeah. Let me just clarify one
02:13:27 11 point before you do that.
02:13:27 12 A. **Yes, sir.**
02:13:27 13 Q. In your answer, were you referring to the
02:13:28 14 evidence you could recall or the information you could
02:13:30 15 recall that supported your allegations as to both
02:13:34 16 Virginia Roberts and other minors, or were you treating
02:13:36 17 those separately?
02:13:37 18 A. **No, I was not treating those separately. I**
02:13:39 19 **was -- for me, there's a common -- what -- what the law**
02:13:42 20 **refers to as a common scheme or plan in a --**
02:13:42 21 Q. Okay.
02:13:44 22 A. **-- a criminal conspiracy for international**
02:13:46 23 **trafficking that involved not just a single girl, but**
02:13:49 24 **multiple girls. So the answer was -- was with respect**
02:13:52 25 **to -- to multiple girls.**

02:13:53 1 Q. Okay. So I may have some questions to
02:13:56 2 distinguish further between those two --
02:13:57 3 A. **Yes.**
02:13:58 4 Q. -- but is it fair to say that -- and I
02:14:02 5 realize you're going to refresh your recollection, but
02:14:05 6 that you had exhausted your recollection of the basis
02:14:07 7 for the allegation in this Exhibit 2, the motion to join
02:14:14 8 as to both Miss Roberts and other minors?
02:14:17 9 A. **Yes.**
02:14:17 10 Q. Okay. So then, now, take a look at that and
02:14:20 11 tell me if there's anything there that refreshes your
02:14:25 12 recollection as to something that you have not yet told
02:14:28 13 me about.
02:14:29 14 A. **So this refreshes my recollection. Sarah**
02:14:46 15 **Kellen. I think I referred to her as Miss Kellen.**
02:14:49 16 **Sarah Kellen was the first name.**
02:14:52 17 **Nadia Marcinkova, Nadia was the first name**
02:14:53 18 **there. Adrianna Mucinska was the full name of those --**
02:14:59 19 **that's the second echelon of the -- of the -- of the**
02:15:00 20 **criminal conspiracy.**
02:15:06 21 **Oh, this refreshes my recollection that**
02:15:08 22 **Jeffrey Epstein had answered some questions in the civil**
02:15:11 23 **litigation. He provided, for example, names of -- of**
02:15:15 24 **some people who were involved, but he took the Fifth**
02:15:18 25 **when asked -- he took -- he provided names of some**

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02:15:21 1 people who would have relevant information in the civil
02:15:25 2 cases, but when asked in deposition about
02:15:29 3 Mr. Dershowitz, he took the Fifth.
02:15:31 4 So I -- I found it significant that for some
02:15:33 5 people, he was willing to answer questions, but with
02:15:35 6 regard to Mr. Dershowitz, he took his -- he invoked his
02:15:39 7 Fifth Amendment right against compelled
02:15:41 8 self-incrimination presumably because revealing what he
02:15:44 9 knew about Mr. Dershowitz would, you know, cause
02:15:48 10 criminal -- criminal charges potentially to be filed
02:15:51 11 against him.
02:15:52 12 There was a common scheme or plan, and I'll
02:16:08 13 elaborate on that in a moment, but yeah, one of -- so
02:16:14 14 this was another point. I mentioned that -- that there
02:16:17 15 had been three efforts to get information from
02:16:18 16 Mr. Dershowitz by way of a 2009 deposition request, a
02:16:23 17 2011 deposition request, and further follow-up
02:16:26 18 correspondence from counsel on that, and a 2013 document
02:16:31 19 request all propounded to Mr. Dershowitz that had not
02:16:34 20 gone answered.
02:16:35 21 Yeah, and this was -- yeah, I'm sorry, this
02:16:37 22 slipped my mind at the time -- but when -- when we saw
02:16:40 23 Mr. Dershowitz not responding to these answers, you
02:16:44 24 know, maybe the mail didn't get delivered to him or
02:16:46 25 something like that. I don't -- I suppose that's, you

02:16:48 1 know, a theoretical possibility.
02:16:50 2 But -- but the reason I ruled out that
02:16:52 3 possibility, first, it didn't seem likely; but secondly,
02:16:55 4 there was a pattern of Mr. Epstein's associates evading
02:16:59 5 efforts to get information from them.
02:17:02 6 And so let me just go back to the earliest
02:17:05 7 instance of that. According to the Chief of Police in
02:17:07 8 the Palm Beach -- of the Palm Beach Police Department,
02:17:11 9 Mr. Dershowitz had said that he would make available
02:17:14 10 Mr. Epstein for questions about the -- the sex, you
02:17:18 11 know, abuse that was going on. And, you know,
02:17:21 12 Mr. Dershowitz had said to the Palm Beach Police
02:17:23 13 Department, yeah, we will make him available; no, we got
02:17:25 14 to reschedule it; you know, and then another time,
02:17:28 15 reschedule, another time. And so there were multiple --
02:17:32 16 according to the Chief of Police, there had been
02:17:34 17 multiple, you know, requests to interview Mr. Epstein
02:17:38 18 and Mr. Dershowitz had repeatedly said: Oh, yeah, we
02:17:41 19 will schedule that, and then it hadn't happened.
02:17:43 20 Now, obviously, there could have been a
02:17:45 21 situation there where, you know, an emergency had come
02:17:47 22 up for Mr. Epstein and he wasn't able to make a schedule
02:17:49 23 or something like that. But what I saw was a -- was a
02:17:52 24 pattern of offers to -- to meet and then withdrawals,
02:17:55 25 and that seemed to me to be a deliberately calculated

02:18:00 1 strategy to sort of stall the investigation to say:
02:18:03 2 Well, we will get you Epstein; oh, we can't meet now;
02:18:03 3 oh, we will get it now -- and then -- and so forth.
02:18:04 4 And one of the things that I noted from all
02:18:06 5 that was that Mr. Dershowitz, as Mr. Epstein's attorney,
02:18:09 6 never ultimately produced Epstein for a meeting with the
02:18:14 7 Palm Beach Police Department, having made another offer.
02:18:17 8 Now, obviously, something could have happened
02:18:19 9 there. I mean, I don't -- you know, I don't know what
02:18:21 10 was the communications and so forth, but as an attorney
02:18:24 11 trying to get information and unable to do that, I had
02:18:26 12 to make some reasonable inferences.
02:18:29 13 And so one of the inferences I began to draw
02:18:31 14 was that this was a stall tactic by Mr. Dershowitz, and
02:18:34 15 in my view, potentially, an unethical one, but I
02:18:37 16 don't -- I don't think we need to get into that in this
02:18:39 17 litigation.
02:18:40 18 What I saw was a stall tactic going on,
02:18:44 19 and -- and the reason I think it was a stall tactic, as
02:18:46 20 we are sitting here now in, what is it, October of 2015,
02:18:51 21 and Mr. Epstein has never been willing to answer
02:18:54 22 questions about his sexual abuse of these girls.
02:18:58 23 And this was back in around -- what was it?
02:19:01 24 I guess it would be 2005, 2006, you know, roughly a
02:19:04 25 decade ago, Mr. Dershowitz was offering to make Epstein

02:19:07 1 available. And then that never happened, and given the
02:19:11 2 ten-year pattern that -- that developed -- I guess I
02:19:12 3 should go back. I'm sorry. Let me correct my answer.
02:19:14 4 We should go back to December 30th, 2014. So
02:19:17 5 there -- there appeared to be about an eight-year period
02:19:21 6 of time during which Mr. Epstein had refused to answer
02:19:24 7 any questions about his sexual abuse of girls and yet,
02:19:29 8 Mr. Dershowitz said, oh, it's just a scheduling issue
02:19:30 9 and -- and we will get the Palm Beach Police Department
02:19:33 10 to -- to, you know, to meet and -- and learn all this.
02:19:37 11 The other thing that I'm -- that I'm seeing
02:19:39 12 here, so now there's -- there's -- Mr. Dershowitz had
02:19:42 13 been involved in concealing Mr. Epstein from the Palm
02:19:46 14 Beach Police Department, but there were others that had
02:19:47 15 done similar sorts of things.
02:19:49 16 So one of them was a Ghislaine Maxwell. I
02:19:55 17 will just call her Glenn Maxwell. I think that's kind
02:19:55 18 of the nickname I understand she goes by.
02:19:59 19 So Glenn Maxwell -- remember, she is -- she
02:19:59 20 is the one, you know, I think the record is clear, in --
02:20:03 21 in -- in litigation that, you know, an allegation has
02:20:06 22 been made that she was the one that -- that brought
02:20:08 23 Virginia Roberts into the -- into the sex trafficking,
02:20:12 24 and was heavily involved with -- you know, on all the --
02:20:15 25 not all the flights, but on many of the flights with

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02:20:17 1 Jeffrey Epstein where -- where this seemed to be going
02:20:19 2 on and was very close to Epstein, staying at the mansion
02:20:22 3 frequently.
02:20:23 4 And so she would, obviously, be -- I guess if
02:20:25 5 you have Epstein at the -- the top of the -- you know,
02:20:27 6 the kingpin of the operation, Maxwell would be, you
02:20:30 7 know, a close second or certainly at, you know, the
02:20:32 8 higher echelon.
02:20:33 9 So, obviously, someone who would have, you
02:20:35 10 know, very significant information about, you know, the
02:20:38 11 sex trafficking, who were the other people that the --
02:20:41 12 the girls were being trafficked to, what kind of abuse
02:20:43 13 was going on, you know, what kinds of sex toys were
02:20:46 14 being used to abuse them, because I think it was in her
02:20:48 15 room or -- or adjacent to her room that many of these --
02:20:52 16 these devices were located, and so she would have had
02:20:55 17 very significant information to provide.
02:20:57 18 And so in connection with the civil cases
02:21:00 19 that some of the girls had filed against Mr. Epstein,
02:21:02 20 her deposition was set, in fact, by my co-counsel,
02:21:05 21 Mr. Edwards, and then there was some haggling over a
02:21:10 22 confidentiality agreement, you know, what are we
02:21:12 23 gonna -- and that had all been worked out, and then she
02:21:14 24 was set for a deposition and finally agreed, you know,
02:21:16 25 to a deposition.

02:21:17 1 And just shortly, you know, I think a couple
02:21:19 2 of days before that deposition, she canceled. And well,
02:21:23 3 she didn't cancel. Her -- her attorney called to cancel
02:21:26 4 the deposition and represented that Miss Maxwell was
02:21:30 5 outside the United States of America and had no plans to
02:21:33 6 return back to the United States.
02:21:35 7 And so, at that point, the deposition was --
02:21:40 8 was not able to go forward. But it turned out that she
02:21:43 9 had not left the United States for an extended period of
02:21:46 10 time. She was spotted later at a wedding of a prominent
02:21:49 11 person in New York.
02:21:50 12 And so that was Maxwell fitting into this
02:21:52 13 pattern of, you know, Epstein was being told -- you
02:21:56 14 know, the Palm Beach Police Department being told by
02:21:57 15 Dershowitz that Epstein will answer your questions, and
02:22:00 16 then, you know, not -- not getting information, Maxwell
02:22:03 17 evading the deposition.
02:22:06 18 Jean Luc Brunel was another person who seemed
02:22:09 19 to be very much involved in -- in trafficking the girls,
02:22:10 20 and it was the same situation. A deposition was set to
02:22:13 21 try to get answers, you know, who is involved, which
02:22:16 22 girls are involved, what are their names, what's --
02:22:17 23 what's going on?
02:22:18 24 And so Brunel's deposition is set and then
02:22:25 25 he -- he finagles out of it too. I don't recall exactly

02:22:28 1 what his excuse was, but, you know, evaded the
02:22:31 2 deposition and, in fact, later information came to light
02:22:33 3 he was hiding out in, you know, in the mansion of
02:22:35 4 Epstein while he's claiming he's unavailable for -- for
02:22:39 5 deposition.
02:22:39 6 So -- so this pattern of Mr. Dershowitz, you
02:22:42 7 know, where there were three attempts to obtain
02:22:44 8 information from him, if that's all I had, I guess that
02:22:46 9 would have been one thing. But what I had was a pattern
02:22:49 10 of people who were implicated in this sex trafficking
02:22:52 11 ring evading questions, you know, quite in violation of
02:22:57 12 court orders and depositions and things -- I shouldn't
02:22:58 13 say court order -- in violation of the deposition
02:23:01 14 notices that were being sent and agreements being made,
02:23:03 15 you know, through counsel.
02:23:05 16 And then in addition to that, I had this, so
02:23:11 17 why -- why would you think that, you know, there's this
02:23:13 18 sex trafficking, you know, ring going on? It sounds
02:23:17 19 kind of farfetched.
02:23:18 20 Well -- well, one of the things that I had
02:23:19 21 available to me on December 30th was a photograph that
02:23:22 22 was widely available on the Internet, and that
02:23:26 23 photograph depicted three people.
02:23:28 24 It depicted Glenn Maxwell, Prince Andrew, and
02:23:34 25 Virginia Roberts, and the -- at the time that it looked

02:23:38 1 like Virginia Roberts was an underage girl. She was not
02:23:43 2 dressed in formal attire. And Prince Andrew had his arm
02:23:47 3 around her, I think if memory serves, and right next --
02:23:52 4 smiling in the background is Miss Maxwell, and it
02:23:54 5 appeared that that was a private residence, presumably
02:23:57 6 in London, close to Buckingham Palace where -- where
02:24:00 7 Prince Andrew lived.
02:24:01 8 And so here was Prince Andrew with this
02:24:03 9 underage girl with Glenn Maxwell, the -- the right-hand
02:24:05 10 girl, if that's the right expression -- I probably
02:24:07 11 should say -- strike that -- right-hand woman of --
02:24:11 12 of -- of Mr. Epstein -- that were there and somebody had
02:24:16 13 taken the photograph.
02:24:17 14 Given the surrounding circumstances, I
02:24:19 15 thought perhaps Mr. Epstein had taken the photograph.
02:24:21 16 So that would have shown Virginia Roberts's sexual abuse
02:24:24 17 was not confined just to Florida, not confined to the
02:24:27 18 New York mansion; it would have -- it would have
02:24:31 19 presumably continued into London where one of, you know,
02:24:37 20 the highest, most powerful persons in the governmental
02:24:43 21 structure that -- that exists in England was now
02:24:47 22 involved in -- in sexual abuse.
02:24:49 23 And so that created grave concern about, how
02:24:52 24 far did this sex trafficking ring reach; what were their
02:24:56 25 connections; what were their abilities to influence, you

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02:25:01 1 **know, law enforcement agencies in those countries, you**
02:25:04 2 **know, in England, or law enforcement agencies in this**
02:25:07 3 **country, through -- through power that, you know,**
02:25:10 4 **somebody at that level, fifth I think in line to the**
02:25:15 5 **British Throne, would have, you know, presumably access**
02:25:17 6 **to levers of power that other people might not -- might**
02:25:21 7 **not have.**
02:25:22 8 **And so that is the -- I believe is the -- the**
02:25:29 9 **information that I had available to me on December 30th**
02:25:32 10 **involving not just Virginia Roberts, but the entire sex**
02:25:35 11 **trafficking organization.**
02:25:37 12 Q. Okay. And that -- just to clarify again, it
02:25:42 13 exhausts your refreshed recollection as to both the
02:25:46 14 information you were relying on as to the allegations
02:25:48 15 about Virginia Roberts, and as to the allegations about
02:25:52 16 other minors; is that right?
02:25:53 17 **A. Correct.**
02:25:53 18 Q. So I don't have to ask you separately about
02:25:55 19 Roberts?
02:25:56 20 **A. That's right. No, and I gave you a heads-up,**
02:25:58 21 **that was going to be a long answer.**
02:26:00 22 Q. You made Mr. Dershowitz look like an amateur.
02:26:03 23 If I could --
02:26:03 24 MR. SCAROLA: I'm sorry. Like a what?
02:26:04 25 MR. SIMPSON: Amateur, at the long answers.

02:26:07 1 THE WITNESS: Well, I wasn't trying to -- let
02:26:08 2 me be clear. I want the record to be clear: I
02:26:11 3 was not trying to filibuster. You asked me a
02:26:12 4 very direct question which was: I want to know
02:26:15 5 everything that was in your memory on December
02:26:17 6 30th, and as you can tell, this was a very
02:26:20 7 important subject to me, and it's very important
02:26:21 8 to Miss Roberts, and I wanted to be
02:26:24 9 comprehensive.
02:26:25 10 And I gave you the opportunity to say,
02:26:26 11 let's -- let's have a narrower question, and --
02:26:28 12 but you wanted the broad question and that's why
02:26:30 13 I did this, so I wasn't...
02:26:30 14 BY MR. SIMPSON:
02:26:30 15 Q. Mr. Cassell, I apologize for attempting humor
02:26:34 16 in this intense situation.
02:26:35 17 **A. This is very important to me.**
02:26:35 18 Q. I -- I -- I --
02:26:36 19 **A. This is not -- this is not something that I**
02:26:39 20 **find funny.**
02:26:40 21 Q. And -- well, it -- like I say, it's very
02:26:43 22 important to Mr. Dershowitz, or Professor Dershowitz
02:26:45 23 also. He was trying to answer questions. I'm not
02:26:47 24 questioning that you were trying to answer my question,
02:26:49 25 and I appreciate it.

02:26:51 1 Mr. Dershowitz was trying to do the same
02:26:53 2 thing and it is a difficult situation.
02:26:55 3 **A. All right.**
02:26:55 4 Q. So I was not trying to make light of the
02:26:58 5 questions I'm asking you.
02:26:58 6 **A. Right. This involves sexual abuse --**
02:26:58 7 Q. I understand that.
02:27:01 8 **A. -- of multiple girls.**
02:27:02 9 Q. I understand that. Your -- I understand the
02:27:04 10 allegations that have been made.
02:27:06 11 **A. And your side keeps attacking these girls.**
02:27:09 12 **That's why it's emotional for me.**
02:27:12 13 Q. That -- that part is not true, but I will ask
02:27:15 14 questions --
02:27:15 15 **A. I believe that part is true.**
02:27:16 16 THE WITNESS: I would like to take a break.
02:27:18 17 I'm sorry.
02:27:19 18 THE VIDEOGRAPHER: We are going off the video
02:27:21 19 record, 4:01 p.m.
02:30:41 20 (Thereupon, a recess was taken.)
02:30:41 21 THE VIDEOGRAPHER: We are back on the video
02:30:47 22 record, 4:04 p.m.
02:30:47 23 (Thereupon, Kenneth A. Sweder, Esquire, Alan
02:30:47 24 M. Dershowitz and Carolyn Cohen left the
02:30:48 25 proceedings.)

02:30:48 1 MR. SCAROLA: The record should reflect that
02:30:50 2 Mr. and Mrs. Dershowitz have -- are no longer
02:30:52 3 present.
02:30:53 4 MR. SIMPSON: Correct.
02:30:54 5 MR. SCAROLA: Thank you.
02:30:55 6 BY MR. SIMPSON:
02:30:56 7 Q. Mr. Cassell, would you agree with me that
02:31:00 8 accusing someone --
02:31:03 9 MS. McCAWLEY: Oh, I'm sorry. I just
02:31:04 10 realized that she stepped out to get water, I
02:31:06 11 believe. I didn't ask. I'm sure it's
02:31:08 12 probably okay --
02:31:08 13 THE WITNESS: It's all right.
02:31:08 14 MR. SCAROLA: It's all right.
02:31:11 15 MR. SIMPSON: That's okay with you?
02:31:11 16 THE WITNESS: Sure.
02:31:11 17 BY MR. SIMPSON:
02:31:13 18 Q. Would you agree with me that accusing a
02:31:17 19 person of -- an adult of engaging in sex with a minor is
02:31:24 20 a serious accusation?
02:31:26 21 **A. Sure.**
02:31:27 22 Q. And would you agree with me that the cause of
02:31:33 23 Victims' Rights is harmed and not furthered by false
02:31:39 24 allegations of sexual abuse?
02:31:41 25 **A. Sure.**

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Exhibit 4

IN THE CIRCUIT COURT OF THE SEVENTEENTH
JUDICIAL CIRCUIT IN AND FOR
BROWARD COUNTY, FLORIDA

CASE NO. CACE 15-000072

BRADLEY J. EDWARDS and PAUL G. CASSELL,

Plaintiffs/Counterclaim Defendants,

vs.

ALAN M. DERSHOWITZ,

Defendant/Counterclaim Plaintiff.
_____/

VIDEOTAPED DEPOSITION OF

PAUL G. CASSELL

TAKEN ON BEHALF OF THE DEFENDANT

VOLUME II, PAGES 152 to 335

Saturday, October 17, 2015

8:32 a.m. - 12:14 p.m.

425 North Andrews Avenue
Suite 2
Fort Lauderdale, Florida 33301

Theresa Tomaselli, RMR

ESQUIRE DEPOSITION SOLUTIONS
(954) 331-4400

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DON SAVOY, Videographer
BRADLEY J. EDWARDS
ALAN M. DERSHOWITZ (Telephonically)

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Cassell's I.D. Exhibit No. 5 - copy of address book		229
Cassell's I.D. Exhibit No. 6 - series of e-mails, Bates numbered BE-510 - -514		309

(Original Exhibits have been attached to the original transcript.)

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1 DEPOSITION OF PAUL G. CASSELL

2 Saturday, October 17, 2015

3

4 THE VIDEOGRAPHER: We are now on the video
00:00:01 5 record. Today is Saturday, the 17th day of
00:00:03 6 October, 2015. The time is 8:32 a.m. We are
00:00:07 7 here at 425 North Andrews Avenue, Fort
00:00:10 8 Lauderdale, Florida, for the purpose of taking
00:00:11 9 the videotaped deposition of Paul G. Cassell.
00:00:14 10 The case is Bradley J. Edwards and Paul
00:00:17 11 G. Cassell versus Alan M. Dershowitz.
00:00:19 12 The court reporter is Terry Tomaselli, and
00:00:20 13 the videographer is Don Savoy, both from Esquire
00:00:23 14 Deposition Solutions.
00:00:24 15 Will counsel please announce their
00:00:26 16 appearances for the record.
00:00:27 17 MR. SCAROLA: Jack Scarola on behalf of the
00:00:30 18 Plaintiffs.
00:00:30 19 MR. SIMPSON: Richard Simpson of Wiley Rein
00:00:35 20 on behalf of the Defendant and Counterclaim
00:00:36 21 Plaintiff, Alan Dershowitz. With me is my
00:00:39 22 colleague, Nicole Richardson, and Thomas Scott of
00:00:44 23 Cole, Scott & Kissane, also for Mr. -- Professor
00:00:48 24 Dershowitz.
00:00:50 25 MR. SCAROLA: Before we begin the deposition,

00:00:52 1 we were informed for the first time yesterday
00:00:55 2 morning of the existence of a recording of a
00:01:01 3 telephone communication between Alan Dershowitz
00:01:05 4 and a woman identified only as Rebecca.
00:01:10 5 That information was conveyed to us
00:01:13 6 subsequent to Professor Dershowitz's sworn
00:01:16 7 testimony that no recording existed, but now that
00:01:20 8 we know that the recording existed and that it
00:01:23 9 was obviously made according to the
00:01:25 10 representations given to us, prior to the
00:01:29 11 completion of the responses to our earlier
00:01:31 12 discovery requests, I would like to know whether
00:01:34 13 it is the Defendant's position that it is
00:01:37 14 necessary for us to propound a new discovery
00:01:40 15 request to get information that clearly should
00:01:43 16 have been disclosed in response to the earlier
00:01:46 17 discovery request.
00:01:47 18 Is that the position that you're taking?
00:01:48 19 MR. SIMPSON: First, Mr. Scarola, I believe
00:01:50 20 you have mischaracterized Professor Dershowitz's
00:01:53 21 testimony. You didn't ask the question whether
00:01:55 22 he made a recording. Yesterday morning, he
00:01:57 23 provided that information in response to a
00:01:59 24 different question.
00:02:00 25 MR. SCAROLA: His exact testimony was: I

00:02:01 1 never thought to record it, but that's fine.
00:02:04 2 MR. SIMPSON: We don't -- we don't need to
00:02:05 3 make that --
00:02:05 4 MR. SCAROLA: We don't need to discuss that.
00:02:06 5 The question is --
00:02:06 6 MR. SIMPSON: What you're saying does --
00:02:06 7 MR. SCAROLA: -- are you going to produce the
00:02:08 8 recording without the necessity of a new request
00:02:10 9 to produce, or will it be necessary for us to
00:02:13 10 file a new request to produce?
00:02:15 11 MR. SIMPSON: As Mr. Scott indicated
00:02:17 12 yesterday, we will respond to you to the
00:02:19 13 discovery request. We will confer at a break and
00:02:23 14 respond to that question. I don't want to take
00:02:24 15 time on the record debating it. After Mr. Scott
00:02:28 16 and I have conferred at a break, we will respond
00:02:29 17 further to your question.
00:02:30 18 MR. SCAROLA: All right. So that the record
00:02:31 19 is clear, it is our position that the recording
00:02:35 20 itself, any evidence of any communication between
00:02:40 21 Mr. Dershowitz and Rebecca and/or Michael, any
00:02:45 22 notes with respect to any such communications,
00:02:50 23 text messages, e-mails, and an accurate privilege
00:02:57 24 log as to everything that is being withheld is
00:03:01 25 responsive to the earlier request to produce, and

00:03:04 1 that the obligation was to have provided it to us
00:03:08 2 previously and is to provide it to us now.
00:03:11 3 We understand that you're considering that
00:03:13 4 and you will respond, so we can proceed with the
00:03:15 5 deposition.
00:03:16 6 MR. SIMPSON: Yes. And we disagree about
00:03:17 7 that, and as you know, we have a motion to compel
00:03:19 8 regarding your inadequate privilege log.
00:03:24 9 MS. McCAWLEY: Just before we begin, I'm
00:03:24 10 sorry, I didn't announce my appearance for the
00:03:24 11 record. Sigrid McCawley from Boies, Schiller &
00:03:28 12 Flexner, and I have a standing objection that I'd
00:03:31 13 just like to repeat on the record.
00:03:32 14 MR. SCOTT: Feel better that you got that off
00:03:32 15 your chest?
00:03:32 16 MS. McCAWLEY: With respect to -- excuse me.
00:03:34 17 With respect to my client, Virginia Roberts,
00:03:37 18 she is asserting her attorney/client privilege
00:03:39 19 with her attorneys and is not waiving it through
00:03:41 20 any testimony here today, and that I object to
00:03:44 21 any testimony elicited that would be used as a
00:03:47 22 subject of waiver for her attorney/client
00:03:48 23 privilege.
24 MR. SIMPSON: Would you reswear the witness,
25 please?

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1 Thereupon,
2 PAUL G. CASSELL,
3 having been first duly sworn, was examined and testified
4 as follows:
5 THE WITNESS: I do.
6 CONTINUED DIRECT EXAMINATION
7 BY MR. SIMPSON:
00:04:01 8 Q. Good morning --
00:04:01 9 A. **Good morning.**
00:04:01 10 Q. -- Mr. Cassell.
00:04:03 11 As of December 30th, 2014, had you ever met
00:04:08 12 with Virginia Roberts in person?
00:04:10 13 A. **Yes.**
00:04:10 14 Q. And how many times had you met with her in
00:04:14 15 person?
00:04:14 16 A. **Once.**
00:04:15 17 Q. When was that?
00:04:16 18 A. **Approximately May 2014.**
00:04:20 19 Q. May of 2014?
00:04:21 20 A. **Yes.**
00:04:21 21 Q. Who was present for that meeting?
00:04:24 22 A. **I'm just pausing for a second because I**
00:04:28 23 **don't -- I think we're --**
00:04:28 24 Q. I -- I'm not --
00:04:30 25 A. **-- clearly not trying to get into**

00:04:31 1 **attorney/client communication.**
00:04:32 2 Q. I'm not asking you for what was said at this
00:04:34 3 point. I'm just asking you who was present. I'm going
00:04:36 4 to ask you where it was, those kind of questions.
00:04:39 5 A. **Sure. Yeah. The main person who was present**
00:04:42 6 **was Bradley J. Edwards, my Co-Plaintiff in this case.**
00:04:45 7 Q. Okay. And Miss Roberts obviously was
00:04:47 8 present?
00:04:47 9 A. **Yes.**
00:04:48 10 Q. Anyone else present?
00:04:49 11 A. **You know, there were -- this was at the**
00:04:53 12 **Farmer, Jaffee office here, and so persons who were**
00:04:56 13 **associated with the law firm were assisting, but those**
00:05:00 14 **were the main people.**
00:05:00 15 Q. Okay. Do you remember any of those other
00:05:02 16 people associated with the law firm who were present?
00:05:05 17 A. **Present for, you know, coming in and**
00:05:08 18 **assisting, I believe Brad's assistant, Maria, was there,**
00:05:13 19 **and perhaps others at the firm, but it was -- it was**
00:05:17 20 **basically Brad and I.**
00:05:18 21 Q. Was there anyone else who attended for the
00:05:21 22 entire meeting or a substantial portion of the meeting?
00:05:23 23 A. **No.**
00:05:23 24 Q. Okay. How long did the meeting last?
00:05:26 25 A. **Approximately all day.**

00:05:28 1 Q. And when you say "all day," what time period
00:05:31 2 are you referring to?
00:05:32 3 A. **9:00 to 5:00.**
00:05:33 4 Q. 9:00 to 5:00. Okay. And was that through
00:05:38 5 lunch; you just stayed through eight hours; is that --
00:05:40 6 what's your recollection of that?
00:05:41 7 A. **Yeah, I remember we were working very hard**
00:05:43 8 **on -- on it, so I think we had, if I recall correctly,**
00:05:46 9 **had lunch brought in and worked straight through that.**
00:05:49 10 Q. Any other meetings in person with
00:05:53 11 Miss Roberts before December 30th of 2014?
00:05:57 12 A. **No.**
00:05:57 13 Q. Any telephone calls with her that you -- you
00:06:03 14 had, obviously, before December 30th, 2014?
00:06:07 15 A. **I believe there were a couple of -- of**
00:06:09 16 **telephone calls.**
00:06:09 17 Q. And can you tell us when those were?
00:06:12 18 A. **Let's see. Roughly September 2014. Give or**
00:06:18 19 **take a month. I mean, you know, sometime after May and**
00:06:22 20 **before December 30th.**
00:06:23 21 Q. Okay. And were those telephone calls between
00:06:27 22 just you and Miss Roberts, or was anyone else on the
00:06:31 23 line?
00:06:32 24 A. **No. It was just the two of -- just**
00:06:34 25 **Miss Roberts and I.**

00:06:35 1 Q. Okay. And are you able to distinguish the
00:06:38 2 calls in your mind as two separate telephone calls?
00:06:40 3 A. **I -- I think there were either one or two**
00:06:43 4 **calls. I think there may have been two, but it -- it**
00:06:46 5 **would not have been more than two that I can recall.**
00:06:49 6 Q. Okay. How long did each of the telephone
00:06:51 7 calls last?
00:06:52 8 A. **Less than five minutes.**
00:06:54 9 Q. I'm going to ask you a question now, but
00:06:59 10 before you answer it, pause, because I believe you will
00:07:01 11 be instructed not to answer it --
00:07:03 12 A. **Okay.**
00:07:03 13 Q. -- but want to -- I think -- we disagree on
00:07:07 14 the privilege --
00:07:07 15 A. **Sure.**
00:07:07 16 Q. -- we believe it's been waived.
00:07:07 17 My question is: During the meeting, did you
00:07:11 18 discuss Professor Dershowitz?
00:07:13 19 MS. McCAWLEY: I'm going to object to any
00:07:15 20 discussion of what my client told you during any
00:07:19 21 situation where you were representing her as
00:07:21 22 an -- an attorney.
00:07:22 23 MR. SIMPSON: So -- and I think we had an
00:07:24 24 agreement yesterday, if you follow your own
00:07:28 25 counsel's instruction on not answering, are you

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00:07:28 1 also going to follow Miss McCawley's instructions
00:07:32 2 on not answering on behalf of --
00:07:32 3 MR. SCAROLA: Mr. Cassell will follow the
00:07:36 4 instructions of Virginia Roberts' counsel. It is
00:07:38 5 not his privilege to waive, and he is ethically
00:07:42 6 obliged to respect the direction coming from
00:07:46 7 Virginia Roberts' counsel.
00:07:48 8 MR. SIMPSON: Yes, I'm -- I'm simply,
00:07:49 9 Mr. Scarola, making my record that the witness --
00:07:52 10 MR. SCAROLA: I understand that.
00:07:52 11 MR. SIMPSON: Right. We disagree.
00:07:53 12 MR. SCAROLA: I understand, but you can
00:07:54 13 assume the same way I have authorized you to
00:07:58 14 assume that Professor Cassell will follow my
00:08:01 15 instructions, Professor Cassell will also follow
00:08:04 16 all instructions concerning the assertion of
00:08:07 17 attorney/client privilege expressed on the record
00:08:10 18 by Miss McCawley on behalf of Virginia Roberts.
00:08:13 19 MR. SIMPSON: All right.
00:08:14 20 BY MR. SIMPSON:
00:08:16 21 **Q.** So, Mr. Cassell, based on that, I will assume
00:08:21 22 that if I ask you what you recall the discussion being
00:08:24 23 at the meeting or at each of the phone calls, that
00:08:29 24 you're not going to answer those questions; is that
00:08:29 25 correct?

00:08:29 1 MS. McCAWLEY: Yes.
00:08:30 2 THE WITNESS: Yeah, obviously not.
00:08:30 3 BY MR. SIMPSON:
00:08:30 4 **Q.** Okay.
00:08:32 5 **A. I mean, I have a duty to my client which I'm**
00:08:36 6 **going to respect.**
00:08:36 7 **Q.** All right. So we'll -- we'll take that up
00:08:37 8 later with the judge.
00:08:39 9 As of December 30th, 2014, had you spoken
00:08:44 10 about this case with David Boies, and the question is
00:08:47 11 just: Had you spoken --
00:08:48 12 MS. McCAWLEY: Objection.
00:08:48 13 BY MR. SIMPSON:
00:08:50 14 **Q.** -- not what the discussion was.
00:08:51 15 MS. McCAWLEY: Objection. It's the
00:08:52 16 common-interest privilege.
00:08:52 17 BY MR. SIMPSON:
00:08:53 18 **Q.** I'm only asking if there was a discussion, no
00:08:55 19 substance at all. Just, was there a discussion?
00:08:58 20 MS. McCAWLEY: I'm going to instruct you not
00:09:00 21 to answer that.
00:09:01 22 MR. SIMPSON: Okay. You're taking the
00:09:02 23 position that the fact of whether or not --
00:09:04 24 MS. McCAWLEY: Yes, because you're also
00:09:05 25 trying to get into the timing of communications,

00:09:08 1 and all that goes into the advice that they were
00:09:08 2 giving her and surrounding that advice, so I
00:09:11 3 would object to that.
00:09:12 4 MR. SCAROLA: Could I have the question read
00:09:15 5 back?
00:09:15 6 (Thereupon, a portion of the record was read
00:09:15 7 by the reporter.)
00:09:33 8 MS. McCAWLEY: And I would like to clarify
00:09:33 9 what case as well that you're referring to.
00:09:34 10 MR. SIMPSON: All right. Let me ask the
00:09:36 11 question, and -- and I will note for the record
00:09:38 12 that yesterday, the witness testified that the
00:09:40 13 fact that Mr. Boies was representing Virginia
00:09:42 14 Roberts was significant to him. So it's sort of
00:09:47 15 being used as a sword and a shield here, but I
00:09:48 16 have only asked the question. I'll clarify.
00:09:48 17 MR. SCAROLA: We haven't used it any way yet.
00:09:51 18 MR. SIMPSON: Well, the -- the witness
00:09:52 19 volunteered. Shall I put it that way? And we
00:09:54 20 have a waiver.
00:09:54 21 BY MR. SIMPSON:
00:09:55 22 **Q.** But, in any event, my question is: Have you
00:09:58 23 spoken -- before December 30th of 2014, had you spoken
00:10:02 24 with David Boies about Virginia Roberts' allegations
00:10:06 25 regarding Professor Dershowitz?

00:10:10 1 MR. SCAROLA: Without getting into the
00:10:13 2 substance of any such discussions, you can answer
00:10:16 3 that question.
00:10:17 4 THE WITNESS: My recollection is no.
00:10:20 5 MR. SCOTT: I think you're right on that one.
00:10:20 6 BY MR. SIMPSON:
00:10:22 7 **Q.** Okay. So the answer is, no, you had not
00:10:23 8 spoken with him?
00:10:23 9 **A. My recollection --**
00:10:24 10 MR. SCAROLA: Judge Scott has issued a
00:10:27 11 ruling, so --
00:10:29 12 MR. SCOTT: I wrote several opinions on that
00:10:29 13 actually.
00:10:29 14 MR. SCAROLA: -- we'll proceed.
00:10:29 15 THE WITNESS: Let me go back --
00:10:29 16 MR. SCOTT: In the context of criminal
00:10:33 17 lawyers.
00:10:33 18 THE WITNESS: I'm trying to remember if I
00:10:34 19 wrote any opinions on that one when I was a
00:10:36 20 judge. My -- I don't recall, but -- I don't
00:10:41 21 recall. I -- my recollection is I had not
00:10:42 22 personally spoken to David Boies before December
00:10:44 23 30th, 2014.
00:10:44 24 BY MR. SIMPSON:
00:10:45 25 **Q.** Okay. Had you, before December 30th of 2014,

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00:10:53 1 spoken with any other lawyers at Mr. Boies' firm?
00:10:58 2 **A. My recollection is, no.**
00:11:02 3 **Q.** And after December 30th of 2014, have you
00:11:08 4 spoken with Mr. Boies about Virginia Roberts's
00:11:13 5 allegations against --
00:11:15 6 MS. McCAWLEY: Again, I'm going to object.
00:11:15 7 BY MR. SIMPSON:
00:11:16 8 **Q.** -- Professor Dershowitz?
00:11:19 9 MS. McCAWLEY: Sorry. I will let you finish.
00:11:19 10 I'm objecting to this. I think it gets into
00:11:20 11 the substance of conversations under the
00:11:24 12 common-interest privilege, whether there was a
00:11:25 13 conversation, but you're getting into the
00:11:27 14 substance of what the conversation was about, and
00:11:28 15 I think that is a violation of her -- her
00:11:31 16 privilege.
00:11:31 17 MR. SCAROLA: And just so that I can clarify
00:11:34 18 our position on the record, I think that we can
00:11:38 19 identify the general subject matter in order to
00:11:42 20 support our position that it falls within the
00:11:45 21 common-interest privilege. So we are willing to
00:11:48 22 answer the question about the general subject
00:11:51 23 matter to support our assertion of
00:11:53 24 common-interest privilege, but not get into the
00:11:56 25 substance of the communications beyond that.

00:11:58 1 MR. SIMPSON: And I believe it's the same
00:12:00 2 question that was answered a moment ago for a
00:12:02 3 different time period, and again, I'm not asking
00:12:05 4 for any substance. I'm just asking whether,
00:12:07 5 since December 30th, 2014, you have discussed the
00:12:13 6 allegations by Virginia Roberts against Professor
00:12:17 7 Dershowitz.
00:12:17 8 THE WITNESS: I would like to confer with my
00:12:19 9 counsel on that question. It gets into a
00:12:22 10 complicated legal issue that I'm not sure I
00:12:25 11 can --
00:12:25 12 MR. SIMPSON: You want to confer on a
00:12:26 13 privilege issue; is that right?
00:12:27 14 THE WITNESS: I want to confer with my
00:12:29 15 counsel before answering that question anyway.
00:12:32 16 MR. SIMPSON: I just want to clarify --
00:12:32 17 MR. SCAROLA: With respect to privilege.
00:12:33 18 MR. SIMPSON: All right. As long as it's
00:12:35 19 with respect to privilege, you're entitled to do
00:12:37 20 that.
00:12:37 21 THE WITNESS: Okay.
00:12:38 22 THE VIDEOGRAPHER: We are going off the video
00:12:40 23 record, 8:45 a.m.
00:14:50 24 (Thereupon, a recess was taken.)
00:14:50 25 THE VIDEOGRAPHER: We are back on the video

00:14:54 1 record, 8:47 a.m.
00:14:54 2 MR. SCAROLA: As it turns out, while we may
00:14:57 3 reach some issue of privilege at some point in
00:14:59 4 this discussion, the answer to your pending
00:15:01 5 question is, no, so there's no privilege concern.
00:15:04 6 MR. SIMPSON: All right. I'll -- I'll ask
00:15:06 7 the witness for the --
00:15:07 8 MR. SCAROLA: Sure.
00:15:08 9 MR. SIMPSON: -- the -- the answer. I'll
00:15:10 10 move to -- I'll reask the question.
00:15:11 11 THE WITNESS: Sure. That will be good.
00:15:11 12 BY MR. SIMPSON:
00:15:12 13 **Q.** My question is: I believed you had already
00:15:15 14 answered the question as to before December 30th, 2014,
00:15:19 15 you had discussed Miss Roberts' allegations against
00:15:21 16 Professor Dershowitz, and you said, no; is that right?
00:15:25 17 MR. SCAROLA: David Boies.
00:15:28 18 MR. SIMPSON: David Boies. I'm sorry.
00:15:28 19 THE WITNESS: Before December 30th, no
00:15:31 20 discussions that I can recall with David Boies.
00:15:31 21 BY MR. SIMPSON:
00:15:34 22 **Q.** After December 30th, 2014, did you have any
00:15:37 23 discussions with David Boies about Professor Dershowitz?
00:15:42 24 **A. Can I --**
00:15:44 25 MR. SCAROLA: You can answer yes or no.

00:15:45 1 THE WITNESS: Yes.
00:15:46 2 BY MR. SIMPSON:
00:15:47 3 **Q.** You did.
00:15:47 4 **A. Yes.**
00:15:48 5 **Q.** What was the substance of those
00:15:51 6 communications?
00:15:52 7 MS. McCAWLEY: I'm going to object to that.
00:15:53 8 You -- it's under the common-interest privilege
00:15:55 9 and it's Virginia's privilege to waive, and she's
00:15:57 10 not waiving it.
00:15:58 11 MR. SIMPSON: Okay.
00:15:58 12 MR. SCAROLA: We -- we assert the
00:16:01 13 common-interest privilege with regard to the
00:16:02 14 substance as well.
00:16:03 15 MR. SIMPSON: All right. And that -- that
00:16:04 16 will be -- that will be asserted as to all
00:16:06 17 questions about the substance of the discussions
00:16:09 18 with Mr. Boies; is that right?
00:16:11 19 MR. SCAROLA: I can't say that for sure.
00:16:14 20 MR. SIMPSON: All right. Let me ask my
00:16:15 21 question then.
00:16:15 22 MR. SCAROLA: And let -- maybe this -- maybe
00:16:17 23 this will help you and maybe it won't. But,
00:16:20 24 obviously, there have been some public statements
00:16:27 25 with regard to this general area. If the

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00:16:33 1 communications were not considered to be
00:16:34 2 privileged at the time that they were made, we
00:16:37 3 can answer questions about that. If they were
00:16:39 4 considered to be privileged at the time they were
00:16:41 5 made, we can't answer questions.
00:16:42 6 So I can't tell you that there's a blanket
00:16:45 7 assertion. We need to hear the question.
00:16:47 8 THE WITNESS: I need the question back.
00:16:47 9 MR. SIMPSON: All right.
00:16:48 10 BY MR. SIMPSON:
00:16:49 11 **Q.** What did you discuss with Mr. Boies about the
00:16:53 12 allegations against Professor Dershowitz?
00:16:55 13 MR. SCAROLA: And that is common-interest
00:16:58 14 privilege information and we do assert a
00:17:00 15 privilege.
00:17:00 16 BY MR. SIMPSON:
00:17:01 17 **Q.** Did you discuss with Mr. Boies any
00:17:05 18 discussions he had had with Professor Dershowitz?
00:17:08 19 MS. McCAWLEY: Objection.
00:17:09 20 MR. SCAROLA: Same objection. Same
00:17:11 21 instruction.
00:17:11 22 BY MR. SIMPSON:
00:17:12 23 **Q.** Did you discuss with Mr. Boies any documents
00:17:15 24 that Mr. Boies had reviewed?
00:17:18 25 MR. SCAROLA: Well, let me -- again, I don't

00:17:23 1 want to be asserting a privilege to questions as
00:17:26 2 to which the answer is no, so you can answer
00:17:34 3 generally as to whether the subject matter was
00:17:40 4 covered in any discussion that you had with
00:17:42 5 Mr. Boies.
00:17:43 6 THE WITNESS: Okay.
00:17:44 7 MR. SCAROLA: Okay. If the answer is no. If
00:17:47 8 the answer -- as I sink down in this chair, if
00:17:51 9 the answer may be yes, you can't respond.
00:17:56 10 MR. SIMPSON: I -- I -- that's a new version.
00:17:58 11 MS. McCAWLEY: I'm afraid -- yeah, I want
00:18:00 12 to -- I'm sorry. I want to confer on that
00:18:01 13 because I have an objection.
00:18:02 14 THE WITNESS: I have to say I want to confer,
00:18:04 15 I'm confused, too, so let's take a short break.
00:18:06 16 MR. SIMPSON: Again, you're conferring on the
00:18:06 17 privilege now, not the substance?
00:18:06 18 THE WITNESS: That's right.
00:18:06 19 MR. SCAROLA: Can we go off the record?
00:18:14 20 MR. SIMPSON: Yes.
00:18:14 21 THE VIDEOGRAPHER: Going off the video
00:18:17 22 record, 8:48 a.m.
00:19:54 23 (Thereupon, a recess was taken.)
00:19:54 24 THE VIDEOGRAPHER: We are back on the video
00:20:06 25 record, 8:52 a.m.

00:20:09 1 MR. SCAROLA: Because of concern about a --
00:20:14 2 an inadvertent potential waiver of the
00:20:18 3 work-product privilege, while it is not our
00:20:21 4 intent to assert a privilege with regard to
00:20:27 5 nonexistent communications, any effort to
00:20:33 6 identify the subject matter of communications in
00:20:37 7 the questions that you asked will require that we
00:20:40 8 assert work-product privilege with regard to
00:20:43 9 those questions.
00:20:44 10 MR. SIMPSON: Okay. We disagree, obviously,
00:20:46 11 on that position.
00:20:47 12 MR. SCAROLA: We understand.
00:20:48 13 MR. SIMPSON: So I will ask some additional
00:20:49 14 questions and we will see if the witness answers
00:20:53 15 them.
00:20:53 16 MR. SCAROLA: If it begins: "Did you talk
00:20:54 17 about," the answer is going to be an assertion of
00:20:58 18 privilege.
00:20:58 19 MR. SIMPSON: Okay.
00:20:58 20 MR. SCAROLA: Okay?
00:20:59 21 MR. SIMPSON: I'll ask the questions.
00:21:00 22 BY MR. SIMPSON:
00:21:05 23 **Q.** Did you discuss with Mr. Boies any meetings
00:21:09 24 Mr. Boies had had with Professor Dershowitz?
00:21:12 25 MS. McCAWLEY: Objection.

00:21:13 1 MR. SCAROLA: Objection. Same instruction.
00:21:15 2 BY MR. SIMPSON:
00:21:15 3 **Q.** Did you discuss with Mr. Boies his views as
00:21:20 4 to the credibility of Virginia Roberts?
00:21:22 5 MR. SCAROLA: Same objection.
00:21:23 6 MS. McCAWLEY: Objection.
00:21:23 7 MR. SCAROLA: Same instruction.
00:21:25 8 BY MR. SIMPSON:
00:21:25 9 **Q.** Did you discuss with Mr. Boies any
00:21:35 10 allegations about sexual misconduct by Les Wexner?
00:21:41 11 MR. SCAROLA: Same objection.
00:21:44 12 MS. McCAWLEY: Objection.
00:21:44 13 MR. SCAROLA: Same instruction.
00:21:44 14 MR. SIMPSON: That's the same question you
00:21:46 15 allowed to be answered. Did you -- let me ask it
00:21:47 16 a different way.
00:21:47 17 BY MR. SIMPSON:
00:21:48 18 **Q.** Did you discuss, in any way, Les Wexner with
00:21:51 19 Mr. Boies?
00:21:51 20 MR. SCAROLA: Same objection.
00:21:51 21 MS. McCAWLEY: Objection.
00:21:53 22 MR. SCAROLA: Same instruction.
00:21:55 23 MR. SIMPSON: He's instructed not to answer
00:21:55 24 whether that topic was discussed?
00:21:56 25 MR. SCAROLA: Yes.

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00:21:57 1 MS. McCAWLEY: Yes.
00:21:57 2 MR. SIMPSON: Okay.
00:21:57 3 BY MR. SIMPSON:
00:22:02 4 **Q.** Did you discuss former Prime Minister Barak
00:22:06 5 with Mr. Boies?
00:22:08 6 MR. SCAROLA: Same objection.
00:22:08 7 MS. McCAWLEY: Objection.
00:22:08 8 MR. SCAROLA: Same instruction.
00:22:10 9 BY MR. SIMPSON:
00:22:12 10 **Q.** Yesterday, you mentioned that one of the
00:22:14 11 reasons that supported your conclusion that it -- you
00:22:20 12 had an adequate basis to allege in the joinder motion
00:22:25 13 that the allegations against Professor Dershowitz was
00:22:29 14 that Mr. Boies was representing Virginia Roberts -- yes,
00:22:31 15 Virginia Roberts; do you recall that testimony?
00:22:35 16 **A. Yes.**
00:22:36 17 **Q.** And you said that because of how highly
00:22:40 18 regarded Mr. Boies was, I think you mentioned the Bush
00:22:45 19 v. Gore case; is that right?
00:22:45 20 **A. Yes.**
00:22:45 21 **Q.** I used to work for his opponent in Bush v.
00:22:49 22 Gore case. They are both very good.
00:22:50 23 **A. I'm trying -- I was trying to remember. I'm**
00:22:51 24 **sorry to take time, but who was the other lawyer?**
00:22:53 25 **Q.** Ted Olson.

00:22:54 1 **A. Ted, that's right. That's...**
00:22:55 2 **Q.** But that's a side note.
00:22:57 3 My question is: Given your high regard for
00:23:00 4 Mr. Boies, would you -- would his views as to the
00:23:07 5 credibility of Virginia Roberts be something that would
00:23:10 6 be important to you in evaluating the case?
00:23:12 7 MS. McCAWLEY: Objection.
00:23:12 8 MR. SIMPSON: Are you instructing him not to
00:23:15 9 answer?
00:23:15 10 MS. McCAWLEY: I mean, is it a hypothetical?
00:23:18 11 MR. SIMPSON: No. I'm just asking whether
00:23:19 12 his views -- those views -- I'm not asking what
00:23:19 13 the views are. I'm simply asking whether those
00:23:23 14 views would be important to him.
00:23:23 15 MR. SCAROLA: You may answer that question.
00:23:25 16 THE WITNESS: Yes.
00:23:25 17 BY MR. SIMPSON:
00:23:28 18 **Q.** And if I -- I may have asked this already,
00:23:30 19 but did you discuss with Mr. Boies his views as to the
00:23:35 20 credibility of Miss Roberts?
00:23:38 21 MS. McCAWLEY: Objection.
00:23:39 22 MR. SCAROLA: Same objection. Same
00:23:40 23 instruction.
00:23:41 24 BY MR. SIMPSON:
00:23:53 25 **Q.** Prior to December 30th of 2014, had you

00:23:58 1 discussed Virginia Roberts' allegations of sexual
00:24:07 2 misconduct against Professor Dershowitz with Bob
00:24:14 3 Josefsberg?
00:24:14 4 **A. Me personally?**
00:24:18 5 **Q.** Yes, you personally.
00:24:18 6 **A. No.**
00:24:18 7 **Q.** After December 30th of 2014, had you -- did
00:24:24 8 you discuss with Mr. Josefsberg Ms. Roberts' allegations
00:24:30 9 against Professor Dershowitz?
00:24:32 10 **A. Not personally, no.**
00:24:32 11 **Q.** You say not personally. Are you aware of
00:24:36 12 someone else who had those discussions of -- with Mr. --
00:24:39 13 had any discussions on that topic with Mr. Josefsberg?
00:24:43 14 MR. SCAROLA: To the extent that that
00:24:46 15 question would call for any information that was
00:24:51 16 communicated to you in the context of the
00:24:55 17 common-interest privilege, you should not answer.
00:25:00 18 THE WITNESS: All right. I'm not going to...
00:25:03 19 MR. SCAROLA: So you -- you can answer it if
00:25:04 20 any such communication came to you outside the
00:25:07 21 context of the common-interest privilege, but you
00:25:10 22 may not include in your response any information
00:25:12 23 derived from the common-interest privilege.
00:25:12 24 BY MR. SIMPSON:
00:25:15 25 **Q.** And my question right now is not the

00:25:17 1 substance. We will get to that. But, to your
00:25:19 2 knowledge -- put -- let me rephrase that.
00:25:24 3 Did someone tell you that they had discussed
00:25:26 4 with Mr. Josefsbergs -- Josefsberg, the allegations made
00:25:32 5 by Miss Roberts against Professor Dershowitz?
00:25:35 6 MR. SCAROLA: You may only answer that
00:25:36 7 question to the extent that you had any
00:25:39 8 communication regarding that subject matter with
00:25:43 9 someone outside the common-interest privilege, or
00:25:46 10 the attorney/client privilege for that matter.
00:25:46 11 BY MR. SIMPSON:
00:25:48 12 **Q.** I'm simply -- I'm not asking for substance,
00:25:50 13 just the name if you did.
00:25:52 14 MR. SCAROLA: Well, I understand that, but
00:25:54 15 following along the same lines as before, you are
00:25:57 16 asking us to identify the subject matter of a
00:26:01 17 communication that is privileged. We won't
00:26:04 18 answer questions regarding the subject matter of
00:26:07 19 privileged communications, but if
00:26:09 20 Professor Cassell had a conversation with Sam
00:26:14 21 Smith standing on the street corner about Bob
00:26:17 22 Josefsberg, he can answer that question.
00:26:20 23 BY MR. SIMPSON:
00:26:20 24 **Q.** Did you have a conversation with anyone --
00:26:24 25 just narrow question: Did you have a conversation with

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00:26:26 1 anyone who told you that they, that person, had
00:26:32 2 discussed the subject matter of Virginia Roberts's
00:26:36 3 allegations against Professor Dershowitz with
00:26:38 4 Mr. Josefsberg? Just did you discuss it with anyone?
00:26:41 5 MR. SCAROLA: Same objection. Same
00:26:42 6 instruction.
00:26:42 7 MR. SIMPSON: Okay.
00:26:43 8 MR. SCAROLA: If you want to rephrase the
00:26:44 9 question to ask him whether he had such a
00:26:46 10 conversation with anyone outside the
00:26:48 11 attorney/client or work-product privilege, that's
00:26:51 12 a question that we are obliged to answer.
00:26:55 13 The question, as you phrased it, is a
00:26:56 14 question that we are precluded from answering.
00:26:59 15 MR. SIMPSON: That's a very strange notion of
00:27:01 16 privilege.
00:27:01 17 BY MR. SIMPSON:
00:27:01 18 **Q.** But let me ask it this way: Did you discuss
00:27:07 19 with anyone who is not an attorney -- let me rephrase it
00:27:15 20 a different way.
00:27:16 21 You testified yesterday about your
00:27:18 22 understanding of the scope of the alleged
00:27:21 23 common-interest privilege, correct?
00:27:23 24 **A. Yes.**
00:27:23 25 **Q.** Putting aside the people within the scope of

00:27:23 1 that privilege --
00:27:23 2 **A. Yes.**
00:27:27 3 **Q.** -- that you identified --
00:27:27 4 **A. Uh-huh.**
00:27:30 5 **Q.** -- your definition of it --
00:27:31 6 **A. Right. That's right.**
00:27:31 7 **Q.** -- did you discuss the topic -- did anyone
00:27:34 8 tell you they had discussed the topic of Virginia
00:27:37 9 Roberts's allegations against Professor Dershowitz with
00:27:40 10 Mr. Josefsberg?
00:27:41 11 MR. SCAROLA: You may not answer that
00:27:44 12 question to the extent the question still
00:27:45 13 encompasses attorney/client privileged
00:27:49 14 communications. If you want to rephrase the
00:27:50 15 question to exclude both common-interest
00:27:55 16 privileged communications and attorney/client
00:27:57 17 privileged communications, that's a question we
00:28:00 18 are prepared to answer.
00:28:01 19 Otherwise, we are prohibited from answering
00:28:04 20 the question as phrased as a consequence of it
00:28:09 21 encompassing privileged communications.
00:28:12 22 MR. SIMPSON: As he defined the
00:28:14 23 common-interest privileged group, it included
00:28:17 24 attorney/client, but I think at this point the
00:28:20 25 explanations you're providing aren't really

00:28:23 1 helpful. So please just instruct him to answer
00:28:25 2 or not answer, and we will let the judge decide.
00:28:27 3 MR. SCAROLA: Well, the instruction -- I only
00:28:29 4 gave the explanation in the hope that it might
00:28:31 5 facilitate the examination and allow you to move
00:28:33 6 to areas where you can get substantive
00:28:36 7 information.
00:28:36 8 I apologize if you consider it a waste of
00:28:39 9 time. So I will simply instruct Professor
00:28:42 10 Cassell not to answer the question as phrased.
00:28:45 11 If you ever want an explanation as to the basis
00:28:47 12 of my instruction, I'm prepared to give that to
00:28:50 13 you.
00:28:50 14 MR. SIMPSON: Thank you. That -- that's a
00:28:51 15 helpful way to proceed.
00:28:52 16 MR. SCAROLA: Okay.
00:28:53 17 BY MR. SIMPSON:
00:28:56 18 **Q.** Have you -- well, let's start this way: Have
00:28:58 19 you discussed with any of the attorneys within what you
00:29:05 20 described as the common-interest attorney/client group,
00:29:12 21 whether that person had discussed with Mr. Josefsberg
00:29:16 22 Virginia Roberts's allegations against Professor
00:29:20 23 Dershowitz?
00:29:20 24 MR. SCAROLA: Same objection. Same
00:29:20 25 instruction.

00:29:20 1 BY MR. SIMPSON:
00:29:22 2 **Q.** Have you discussed with anyone who is not an
00:29:27 3 attorney for Miss Roberts whether -- strike that.
00:29:33 4 Has anyone who is not an attorney for
00:29:35 5 Miss Roberts told you that they had discussed with
00:29:40 6 Mr. Josefsberg the allegations against -- by Virginia
00:29:46 7 Roberts against Professor Dershowitz?
00:29:47 8 MR. SCAROLA: Same objection. Same
00:29:48 9 instruction.
00:29:48 10 BY MR. SIMPSON:
00:29:59 11 **Q.** Have you personally spoken with anyone else
00:30:03 12 at Mr. Josefsberg's firm, other than him, about Virginia
00:30:12 13 Roberts's allegations against Professor Dershowitz?
00:30:15 14 **A. Not to my knowledge.**
00:30:16 15 MS. McCAWLEY: I'm sorry. I'm sorry. Can
00:30:18 16 you read that back?
00:30:19 17 MR. SCAROLA: Was a communication with anyone
00:30:20 18 else in Bob Josefsberg -- Bob Josefsberg's firm,
00:30:25 19 personal communication between Professor Cassell
00:30:28 20 and any firm member of Bob Josefsberg.
00:30:31 21 MS. McCAWLEY: Okay.
00:30:31 22 BY MR. SIMPSON:
00:30:31 23 **Q.** And the answer was, not that you recall?
00:30:34 24 **A. Not to my knowledge. I don't know all the**
00:30:34 25 **members of his firm, but I certainly have no**

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00:30:37 1 **recollection of talking to, you know, anyone who is --**
00:30:39 2 **who was in his firm.**
00:30:40 3 **Q.** Okay.
00:30:41 4 **A. I -- I think the record should be clear,**
00:30:43 5 **I'm -- I'm an attorney and a law professor in Salt Lake**
00:30:46 6 **City, Utah, and my understanding, he's an attorney here**
00:30:49 7 **in Florida. So I don't ordinarily interact with --**
00:30:51 8 **with, you know, attorneys in Florida, other than the**
00:30:54 9 **ones that I'm interacting with on -- on this case.**
00:30:56 10 MR. SCAROLA: Which is now occurring on a
00:30:58 11 very regular basis.
00:31:01 12 BY MR. SIMPSON:
00:31:01 13 **Q.** Mr. Cassell --
00:31:01 14 MR. SCOTT: No teaming, Mr. Scarola, please.
00:31:01 15 BY MR. SIMPSON:
00:31:04 16 **Q.** -- did -- didn't you testify yesterday that
00:31:05 17 the fact that Mr. Josefsberg's firm had filed a
00:31:10 18 complaint against Miss Roberts, who is also your client,
00:31:12 19 to be significant to your evaluation of the case?
00:31:15 20 **A. Yes.**
00:31:15 21 **Q.** And if it -- if that was significant to
00:31:18 22 evaluation of the case, why are you telling us you don't
00:31:20 23 normally talk with attorneys in Florida? Doesn't he
00:31:25 24 represent -- at one point, represent the same client?
00:31:26 25 **A. Right.**

00:31:27 1 **Q.** And so wouldn't it be natural for you to be
00:31:29 2 speaking with -- at least within the realm of something
00:31:33 3 one might expect for you to speak?
00:31:35 4 **A. If I were a solo representative of Virginia**
00:31:38 5 **Roberts, that would be the case, but I think you're**
00:31:40 6 **obviously aware that I have co-counsel on this case, and**
00:31:43 7 **there are other attorneys who are also participating in**
00:31:46 8 **this matter.**
00:31:47 9 **So I think it would be obvious that if**
00:31:50 10 **there's a division of labor, it might not be along the**
00:31:53 11 **lines that you're suggesting. And I can't go any**
00:31:55 12 **further without going into work product and other issues**
00:31:59 13 **surrounding Miss Roberts' representation.**
00:32:01 14 **Q.** Has Mr. Boies ever told you that he believes
00:32:05 15 Miss Roberts was mistaken in her accusations against
00:32:08 16 Professor Dershowitz?
00:32:09 17 MR. SCAROLA: Same objection. Same
00:32:11 18 instruction.
00:32:12 19 MS. McCAWLEY: Same instruction.
00:32:13 20 THE WITNESS: I'd like to confer with my
00:32:15 21 counsel on a attorney/client privilege issue in
00:32:19 22 connection with that question.
00:32:19 23 MS. McCAWLEY: Can I just write down the
00:32:19 24 question and --
00:32:20 25 MR. SIMPSON: I'll -- I'll rephrase it.

00:32:20 1 BY MR. SIMPSON:
00:32:22 2 **Q.** Have you ever -- I'll rephrase the question.
00:32:25 3 Have you ever discussed with Mr. Boies his
00:32:30 4 views as to whether or not Miss Roberts is mistaken in
00:32:37 5 her allegations against Professor Dershowitz?
00:32:39 6 MS. McCAWLEY: Objection.
00:32:39 7 MR. SCAROLA: Same objection. Same
00:32:40 8 instruction.
00:32:45 9 BY MR. SIMPSON:
00:32:46 10 **Q.** Prior to December 30th of 2014, had you
00:32:52 11 personally reviewed any of the flight logs that had been
00:32:56 12 referred to in the testimony in this case?
00:32:58 13 **A. All right?**
00:33:02 14 **Q.** My only question is whether you personally
00:33:03 15 reviewed them.
00:33:04 16 **A. Yes.**
00:33:04 17 **Q.** What flight logs have you reviewed; how would
00:33:07 18 you describe them?
00:33:08 19 **A. Both Exhibit 1 and Exhibit 2 that were shown**
00:33:13 20 **to Mr. Dershowitz yesterday.**
00:33:15 21 **Q.** If -- I believe those were Exhibits 6 and
00:33:19 22 7 --
00:33:19 23 **A. Okay.**
00:33:19 24 **Q.** -- but can we agree that flight logs were
00:33:21 25 marked as exhibits?

00:33:22 1 **A. Right. The two composite exhibits of flight**
00:33:26 2 **logs I had examined previously.**
00:33:27 3 **Q.** Okay. So the same documents that Professor
00:33:30 4 Dershowitz was shown at his deposition; is that right?
00:33:34 5 **A. That's my recollection, yes.**
00:33:35 6 **Q.** Okay. When did you review those?
00:33:37 7 **A. So one of the reviews was in May 2014. There**
00:33:46 8 **may have also been an earlier review at an earlier --**
00:33:53 9 **earlier time, but I definitely remember reviewing them**
00:33:55 10 **in May -- approximately May 2014.**
00:33:58 11 **Q.** Would -- do you -- isn't it true that those
00:34:02 12 flight logs support Professor Dershowitz's testimony
00:34:07 13 that he was never on a plane with Virginia Roberts?
00:34:10 14 **A. No.**
00:34:12 15 **Q.** How do they not? What is -- what is the
00:34:14 16 explanation for your conclusion in that regard?
00:34:16 17 **A. Right. We talked about this yesterday, so**
00:34:20 18 **I'll incorporate to speed things up some of the**
00:34:22 19 **testimony that I gave yesterday.**
00:34:23 20 **What the flight logs showed was, to my mind,**
00:34:26 21 **evidence of potential doctoring, evidence of -- of**
00:34:30 22 **selective presentation of evidence. Mr. Dershowitz had**
00:34:34 23 **presented to a law enforcement agency, at their request,**
00:34:37 24 **apparently what I understood to be the -- the -- I**
00:34:40 25 **understood that he had been requested by a law**

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00:34:42 1 enforcement agency to provide flight logs relevant to
00:34:46 2 this investigation.
00:34:47 3 And rather than providing all the flight logs
00:34:49 4 that were available at that time, he appears to have
00:34:52 5 provided flight logs that went from January 2005 through
00:34:57 6 September 2005, knowing that he appeared on an
00:35:01 7 October -- I may be off by one month here -- but on an
00:35:04 8 October 2005 flight log.
00:35:06 9 So that, to my mind, had indicated that
00:35:08 10 Professor Dershowitz was providing selective information
00:35:11 11 to law enforcement. Those concerns -- this is, you
00:35:15 12 know, there's -- there's more to it.
00:35:18 13 The other problem was that the flight logs
00:35:22 14 that Mr. Dershowitz had produced were inconsistent with
00:35:26 15 the flight logs that Dave Rogers, one of Mr. Epstein's
00:35:31 16 pilots had, so there were now inconsistencies on these
00:35:35 17 flight logs. And it seemed to be -- it seemed to me to
00:35:39 18 be surprising that during the period of time where
00:35:41 19 Virginia Roberts was involved, Mr. Dershowitz was not
00:35:45 20 appearing on those flight logs.
00:35:46 21 Now, it is possible, I suppose, and that
00:35:49 22 seems to be Mr. Dershowitz's position, that the reason
00:35:52 23 he's not on those flight logs is that he was not on
00:35:54 24 those flights. But given all of the information -- and
00:35:57 25 I won't take your time this morning to go through -- all

00:35:59 1 the information I had about this international sex
00:36:03 2 trafficking organization, it seemed to me that it was
00:36:05 3 also possible that the sex trafficking organization,
00:36:08 4 which was represented by, you know, vast resources and
00:36:12 5 the ability to produce witnesses and documents and other
00:36:15 6 information that would -- would cover up the existence
00:36:19 7 of this organization, had gone through the flight logs
00:36:22 8 and had made necessary alterations to -- to conceal the
00:36:26 9 scope of -- of the -- of the operation.
00:36:29 10 In addition to that, when I started to
00:36:33 11 compare the Dave Rogers' flight logs with the David --
00:36:38 12 excuse me. I am going to get a drink.
00:36:42 13 When I started to compare the -- oh, I'm
00:36:46 14 sorry. I should be looking at the camera.
00:36:48 15 When I started -- when I started to compare
00:36:49 16 the Dave Rogers' flight logs with the Dershowitz --
00:36:54 17 which we call them the Dershowitz flight logs, which
00:36:55 18 were the logs that he had produced, there were
00:36:58 19 inconsistencies, and so it struck me as odd that there
00:37:03 20 were these inconsistent flight logs.
00:37:03 21 The other thing that I noticed is, I don't
00:37:05 22 believe that Dave Rogers was the exclusive pilot for
00:37:08 23 Mr. Epstein. And so I had a concern -- excuse me. I'm
00:37:13 24 sorry.
00:37:13 25 I had a concern that the flight logs that --

00:37:16 1 that covered the jet were not just the David Rogers'
00:37:20 2 flight logs, but there should be flight logs for other
00:37:22 3 pilots which were not apparently being produced.
00:37:25 4 And so, in light of all that, what I was
00:37:27 5 seeing was a -- a production of flight logs that was
00:37:32 6 incomplete. And then I started to hear from
00:37:35 7 Mr. Dershowitz that, well, these records prove
00:37:37 8 conclusively I couldn't have done that. And I knew to
00:37:40 9 an absolute certainty, that the records were
00:37:42 10 inconsistent and inaccurate; and for somebody who had
00:37:45 11 apparently carefully produced these records, to
00:37:48 12 represent that these conclusively prove that he wasn't
00:37:52 13 on the flights, seemed to me to be inaccurate
00:37:54 14 information.
00:37:55 15 So that was -- those were the kinds of things
00:37:56 16 I was thinking about.
00:37:59 17 Q. Mr. Cassell, is it your testimony --
00:38:02 18 MR. SIMPSON: Well, first of all, I move to
19 strike the nonresponsive portion of the answer.
00:38:03 20 BY MR. SIMPSON:
00:38:07 21 Q. Mr. Cassell, is it your testimony that you
00:38:08 22 have sufficient information to conclude and allege that
00:38:12 23 Professor Dershowitz falsified documents and gave
00:38:16 24 falsified documents to a prosecuting authority?
00:38:19 25 A. It is my belief that Professor Dershowitz

00:38:22 1 provided incomplete production to law enforcement
00:38:25 2 agencies.
00:38:25 3 Q. Is it your testimony under oath that you have
00:38:28 4 sufficient information to allege that Professor
00:38:31 5 Dershowitz intentionally provided false information to a
00:38:37 6 prosecuting authority?
00:38:38 7 A. It is my position that he provided incomplete
00:38:42 8 information to a prosecuting authority and inaccurate
00:38:45 9 information to a prosecuting authority.
00:38:47 10 Now, as to precisely what his state of mind
00:38:49 11 was when he was producing the incomplete and inaccurate
00:38:52 12 information, that remains to be this -- you know, that
00:38:54 13 was one of the topics that I was hoping could have been
00:38:56 14 covered in -- in the depositions here in the last two
00:38:59 15 days, but unfortunately, there wasn't sufficient time.
00:39:03 16 Q. Let me ask it a different way. You -- you
00:39:05 17 gave a long answer in which you described reasons you
00:39:08 18 apparently believe that these flight logs were not
00:39:13 19 merely incomplete, but that someone had false --
00:39:16 20 falsified them. And did I understand you correctly?
00:39:20 21 MR. SCAROLA: Excuse me. The question that
00:39:22 22 was asked was limited to the time period prior to
00:39:26 23 December 30th. The answer that was given was
00:39:29 24 limited to the time period prior to December
00:39:31 25 30th.

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00:39:32 1 Are you now asking for an expansion of that
00:39:35 2 response to include information that's been
00:39:38 3 gathered since December 30th?
00:39:40 4 MR. SIMPSON: I will take your objection to
00:39:43 5 the form.
00:39:44 6 Can we have the question back?
00:39:44 7 (Thereupon, a portion of the record was read
00:40:05 8 by the reporter.)
00:40:06 9 MR. SCAROLA: And I object. The question is
00:40:07 10 vague and ambiguous because it fails to identify
00:40:09 11 the time period about which you are inquiring.
00:40:09 12 BY MR. SIMPSON:
00:40:14 13 Q. Mr. Cassell, as you sit here today, are you
00:40:18 14 prepared, based on the information you have available to
00:40:21 15 you, to assert that Professor Dershowitz intentionally
00:40:28 16 provided misleading or doctored documents to a
00:40:34 17 prosecuting authority?
00:40:37 18 A. **So based on all the information I have today?**
00:40:39 19 Q. Yes.
00:40:40 20 A. **Yes.**
00:40:40 21 Q. What do you base -- what is the basis for
00:40:44 22 that conclusion, and include information up until today?
00:40:48 23 A. **All right. So, obviously, that's an**
00:40:51 24 **open-ended question.**
00:40:52 25 Q. I -- just answer the question, please, as

00:40:55 1 best you can.
00:40:55 2 A. **Sure. All right. Well, let me just --**
00:40:58 3 **that's a lot -- there's a lot of things to get into on**
00:41:00 4 **that.**
00:41:02 5 **Let's start with the events of the last two**
00:41:05 6 **days, the deposition of Mr. Dershowitz, which in my mind**
00:41:10 7 **demonstrates repeated false statements that were made by**
00:41:14 8 **Mr. Dershowitz.**
00:41:15 9 **Let's begin with the overarching point about**
00:41:18 10 **the deposition of the last two days. I've been**
00:41:20 11 **practicing law -- law since about 1986. And in my**
00:41:26 12 **experience, I have never seen a more evasive effort to**
00:41:30 13 **avoid answering questions, and to essentially run out**
00:41:34 14 **the clock so that detailed questions could not be asked**
00:41:38 15 **by my attorney. And I witnessed over the last two days,**
00:41:41 16 **Mr. Dershowitz was asked a series of very simple**
00:41:44 17 **questions; where were you on this day; or what's the**
00:41:46 18 **name; or what time, things like that, and instead of,**
00:41:49 19 **you know, giving an -- an immediate answer, he ended up**
00:41:53 20 **giving a very extended answer commonly punctuated with**
00:41:57 21 **disparaging remarks that seemed to have nothing to do**
00:42:00 22 **with answering the question.**
00:42:01 23 **So I drew the inference from that that**
00:42:03 24 **Mr. Dershowitz did not want to answer questions over the**
00:42:07 25 **last two days.**

00:42:08 1 **Another thing that happened during the**
00:42:10 2 **deposition, and I will not repeat what was said in the**
00:42:14 3 **deposition, because there was immediately an objection**
00:42:17 4 **from Ms. McCawley, but there were two points in the**
00:42:19 5 **deposition where Mr. Dershowitz made representations**
00:42:22 6 **about what a New York Attorney David Boies would say,**
00:42:25 7 **and I'm not going into any --**
00:42:27 8 Q. I -- I just want to say if he starts talking
00:42:30 9 about it --
00:42:31 10 MS. McCAWLEY: No, I -- I object to any
00:42:32 11 reference --
00:42:33 12 MR. SIMPSON: -- then I get to ask all the
00:42:34 13 questions if he should say anything.
00:42:34 14 MS. McCAWLEY: I think he's just
00:42:35 15 acknowledging that -- I'm sorry. I think he's
00:42:37 16 acknowledging that that occurred. I object to
00:42:39 17 any -- any discussion of any settlement
00:42:43 18 communications in the context of that privilege.
00:42:44 19 MR. SCAROLA: I don't intend to get into any
00:42:48 20 settlement discussions. We are not going to
00:42:50 21 repeat the substance of the objected-to
00:42:51 22 testimony.
00:42:51 23 MR. SIMPSON: My point, I just want it to be
00:42:54 24 on notice --
00:42:54 25 MS. McCAWLEY: Yes.

00:42:55 1 MR. SIMPSON: -- is if this witness starts
00:42:56 2 saying anything about his communications or why
00:43:00 3 he -- he's coming to a conclusion, he's putting
00:43:02 4 that forth as a basis, he has opened the door.
00:43:05 5 You can't put it forth and park and not let
00:43:07 6 me ask for all the discussions.
00:43:09 7 MR. SCAROLA: You can -- you can proceed and
00:43:10 8 you know not to include privileged --
00:43:10 9 THE WITNESS: Yes.
00:43:13 10 MR. SCAROLA: -- communications.
00:43:13 11 THE WITNESS: There was a newspaper that
00:43:15 12 reported -- a Florida business newspaper that
00:43:18 13 promptly after Mr. Dershowitz said that Mr. Boies
00:43:21 14 had made certain representations, a Florida --
00:43:24 15 respected Florida business newspaper immediately
00:43:27 16 reported that David Boies had said, that was a
00:43:29 17 false statement.
00:43:31 18 And in light of that, I now had David Boies
00:43:34 19 saying that Mr. Dershowitz was making false
00:43:37 20 statements under oath during the -- the
00:43:38 21 deposition that occurred over the last two days.
00:43:41 22 In addition to that, I had -- again, during
00:43:44 23 the deposition, I heard Mr. Dershowitz say that
00:43:46 24 Attorney Bob Josefsberg had said that -- words to
00:43:52 25 the effect that he, Josefsberg, did not believe

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00:43:54 1 Virginia Roberts.
00:43:55 2 I knew Josefsberg was an attorney who had
00:44:00 3 represented Miss Roberts based on public
00:44:00 4 information, and I knew that that would be a
00:44:02 5 gross violation of Mr. Josefsberg's
00:44:04 6 attorney/client obligations. And as a result of
00:44:09 7 that, it seemed to me that, once again,
00:44:09 8 Mr. Dershowitz was giving false information under
00:44:12 9 oath in an effort to exculpate himself from the
00:44:17 10 sex trafficking that he had been involved with.
00:44:19 11 In addition to that, I learned during the
00:44:21 12 deposition on Thursday that it had, quote, not
00:44:26 13 crossed my mind, close quote -- I believe that's
00:44:29 14 a direct quote from Mr. Dershowitz -- to record a
00:44:31 15 conversation with a woman allegedly named Rebecca
00:44:34 16 who had allegedly made certain statements. That
00:44:37 17 was on Thursday.
00:44:38 18 And then yesterday, Friday, I learned that
00:44:40 19 Mr. Dershowitz, not only had it crossed his mind
00:44:43 20 to make a recording, he had, in fact, made such a
00:44:47 21 recording; and in fact, had it transcribed; and
00:44:50 22 in fact, turned it over to his attorneys. So,
00:44:53 23 once again, I had what appeared to be a false
00:44:56 24 statement under oath by Mr. Dershowitz in an
00:44:58 25 attempt to exculpate himself from the -- the sex

00:45:03 1 trafficking that we -- we have evidence he has
00:45:05 2 been involved with.
00:45:06 3 The false statements or certainly misleading
00:45:12 4 statements continue. I suppose, some of these
00:45:14 5 could be a matter of judgment. The -- they raise
00:45:18 6 grave concern to me.
00:45:18 7 One of them was that we had propounded an
00:45:20 8 interrogatory requesting the basis for
00:45:23 9 Mr. Dershowitz's statements that Virginia Roberts
00:45:26 10 had a criminal record. And he said that, well,
00:45:29 11 she's admitted that she had sex with various
00:45:32 12 people, so that renders her a criminal, and
00:45:34 13 something along those lines, which I didn't think
00:45:36 14 was very accurate.
00:45:38 15 But in any event, that was the answer he
00:45:39 16 gave. And then I learned during the deposition
00:45:42 17 in the last two days, that Mr. Dershowitz had
00:45:45 18 received information that he says shows that
00:45:46 19 Virginia Roberts had stolen money from a
00:45:50 20 restaurant and had been criminally charged with
00:45:51 21 that.
00:45:52 22 That was not produced to us during discovery,
00:45:54 23 even though it would have been obviously
00:45:56 24 relevant, and it was directly called for in the
00:45:59 25 discovery that we were provided with.

00:46:02 1 You know, I also have -- I would like to
00:46:05 2 refresh my recollection and if -- if counsel --
00:46:10 3 that's --
00:46:10 4 MR. SCAROLA: You can refresh your
00:46:12 5 recollection on anything you need to.
00:46:12 6 THE WITNESS: All right. I'd like to refresh
00:46:15 7 my recollection by looking at --
00:46:16 8 MR. SIMPSON: Actually, I -- I object to this
00:46:17 9 answer as nonresponsive. I haven't heard
00:46:20 10 anything about flight logs once.
00:46:21 11 MR. SCAROLA: You can continue.
00:46:23 12 THE WITNESS: These -- you know, these all go
00:46:27 13 to the statements.
00:46:27 14 BY MR. SIMPSON:
00:46:28 15 Q. You're looking at a document?
00:46:29 16 A. **Yeah. Let's mark it as an exhibit if you'd**
00:46:32 17 **like. This is a memory aid to me.**
00:46:34 18 Q. Did you prepare it?
00:46:35 19 A. **Yes, I did. All right. Let's see. At page**
00:46:42 20 **114 of a rough transcript that I saw prepared of**
00:46:46 21 **Thursday's testimony, Mr. Dershowitz was asked. Quote:**
00:46:50 22 **You know that Virginia Roberts is not the only person**
00:46:52 23 **who has sworn under oath that you were present at**
00:46:55 24 **Jeffrey Epstein's Palm Beach home with young girls,**
00:46:59 25 **right? Answer: No.**

00:47:02 1 **That seemed to me to be false or at the very**
00:47:05 2 **least misleading testimony given that Mr. Dershowitz**
00:47:07 3 **knew that Juan Alessi, among potentially other people,**
00:47:11 4 **had identified him as having been in the presence of**
00:47:14 5 **Jeffrey Epstein and young girls at the Florida mansion**
00:47:17 6 **and, indeed, had identified a photograph of Virginia**
00:47:20 7 **Roberts.**
00:47:21 8 **At page 164 of the transcript, Mr. Dershowitz**
00:47:25 9 **was asked, quote: All of the manifests that have been**
00:47:28 10 **produced in this litigation, the ones that you say**
00:47:31 11 **corroborate your testimony and exonerate you,**
00:47:34 12 **demonstrate that you never flew on Jeffrey Epstein's**
00:47:37 13 **plane in the company of your wife, correct? Answer:**
00:47:41 14 **No, that's not true. I don't know that.**
00:47:44 15 **And, again, in the context of this litigation**
00:47:46 16 **where the flight logs have been, as this question that**
00:47:48 17 **I'm answering tends to show, are so central for**
00:47:52 18 **Mr. Dershowitz to testify under oath that he didn't know**
00:47:56 19 **whether his wife was depicted on the flight log, struck**
00:47:59 20 **me as, at the very least, misleading information, but I**
00:48:02 21 **concluded in my opinion was actually deliberately false**
00:48:05 22 **information, particularly, given this litigation where**
00:48:08 23 **he has produced, not only his own personal travel**
00:48:11 24 **record, but all of his wife's travel records for the**
00:48:14 25 **relevant period of time.**

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00:48:15 1 So I thought that was, again, a deliberate
00:48:19 2 false statement under oath designed to exculpate him
00:48:22 3 from his criminal involvement in this international sex
00:48:26 4 trafficking ring.
00:48:27 5 At another point in the transcript, he was
00:48:29 6 asked, quote, -- no, I'm sorry. He stated, quote: I
00:48:32 7 challenge you to find any statement where I said I have
00:48:35 8 never traveled outside the presence of my wife, close
00:48:38 9 quote, representing that there would be no such
00:48:42 10 statement there, when, in fact, I'm aware of an American
00:48:45 11 Lawyer quotation attributed to him from January 15th,
00:48:48 12 2015, quote: I've been married to the same woman for 28
00:48:52 13 years. She goes with me everywhere, close quote. And,
00:48:56 14 again, you know, this -- I understand sometimes people
00:48:59 15 may go away from their wife, but the American Lawyer
00:49:01 16 was, obviously, on January 15th, 2015, asking about:
00:49:05 17 Well, have you been outside the presence of your wife in
00:49:08 18 situations where you might have interacted with Virginia
00:49:10 19 Roberts? And that was the answer that he gave to the
00:49:12 20 American Lawyer.
00:49:13 21 And based on -- on my review of the flight
00:49:15 22 logs, I thought that was, again, a deliberate effort to
00:49:20 23 obscure and try to exculpate himself from his
00:49:23 24 involvement in this International sex trafficking ring.
00:49:26 25 The -- he also said yesterday: Nobody knows

00:49:33 1 about Prince Andrew and Virginia, except for the two of
00:49:36 2 them. And, again, I thought that was at a minimum,
00:49:39 3 deliberately mis -- misleading information and more
00:49:41 4 likely deliberately false information, because
00:49:43 5 Mr. Dershowitz was aware of the photograph and had long
00:49:47 6 been aware of the photograph that shows Prince Andrew
00:49:50 7 with his arm around Virginia Roberts, standing next to a
00:49:53 8 beaming Glenn Maxwell who has been involved in this
00:49:56 9 international sex trafficking organization.
00:49:59 10 And in the circumstances of that photograph,
00:50:01 11 it seems quite likely that the photographer who took
00:50:04 12 that picture was the head of the international sex
00:50:07 13 trafficking ring, Jeffrey Epstein. And so for him to
00:50:10 14 say that only two people knew what went on was, again,
00:50:14 15 deliberately false information, because I know he is the
00:50:17 16 attorney for Jeffrey Epstein, and he could have asserted
00:50:20 17 attorney/client privilege over that, said, I can't get
00:50:22 18 into my communications with my client about what he was
00:50:25 19 doing with Prince Andrew.
00:50:26 20 But instead he said, no one knows what
00:50:29 21 happened, other than those two people in circumstances
00:50:31 22 where it was quite clear that there would have been
00:50:34 23 others who would have been aware of that.
00:50:35 24 Now, the question is: Why do I think the --
00:50:39 25 the -- you know, there are inaccuracies in the flight

00:50:41 1 logs. And I could refresh my recollection here by
00:50:45 2 looking at, I think it's docket entry 291 of our
00:50:49 3 pleading that we presented on January 21st to
00:50:51 4 Judge Marra where we provided specific itemized examples
00:50:54 5 of inconsistencies between the Dave Rogers' flight log
00:50:58 6 and the -- again, I'll call it, the Alan Dershowitz
00:51:01 7 flight log, which was a selected presentation of flight
00:51:03 8 log information.
00:51:04 9 And when you see those inconsistencies, it
00:51:06 10 becomes very hard to believe that all of the information
00:51:09 11 that was provided in those flight logs was accurate. So
00:51:11 12 when I take all of that information, put it together, I
00:51:14 13 believe that there's sufficient -- I have a sufficient
00:51:17 14 basis for believing at this point in time, that
00:51:19 15 Mr. Dershowitz has, indeed, provided inaccurate
00:51:22 16 information to -- to law enforcement agencies, or at a
00:51:25 17 minimum has provided -- has produced inaccurate
00:51:29 18 information through circumstances beyond his control.
00:51:32 19 But when he continually represents that the
00:51:34 20 information is accurate and exonerates him, I believe
00:51:37 21 that that is a deliberately false statement.
00:51:41 22 MR. SIMPSON: Move to strike the answer --
00:51:42 23 the nonresponsive portion of the answer.
00:51:46 24 MR. SCAROLA: Which portion is that?
00:51:47 25 MR. SIMPSON: 99 percent of it. I think at

00:51:50 1 the end, we got to the flight logs.
00:51:52 2 I move to strike the nonresponsive portion.
00:51:54 3 BY MR. SIMPSON:
00:51:55 4 Q. Mr. Cassell, you came here today looking for
00:51:57 5 an opportunity to give that statement; did you not?
00:51:59 6 A. If it was relevant to an answer I was giving,
00:52:03 7 yes.
00:52:03 8 Q. The answer to my question is, yes, you came
00:52:05 9 here today looking for a question to which you could
00:52:08 10 respond with that prepared statement?
00:52:10 11 A. I was prepared to give that -- I anticipated
00:52:13 12 that a very good attorney for Mr. Dershowitz might ask a
00:52:15 13 question where that would be relevant. And if that
00:52:18 14 question were asked and I was given the opportunity to
00:52:20 15 make that statement, I wanted to be prepared to give it
00:52:23 16 in the most accurate way that I could.
00:52:25 17 MR. SIMPSON: I would like the reporter to
00:52:27 18 mark as Exhibit -- are we up to 4 -- Exhibit 4,
00:52:31 19 the document that Mr. Cassell was referring to.
00:52:34 20 I'll let the reporter do that.
00:52:36 21 THE WITNESS: Okay.
00:52:36 22 (Cassell's I.D. Exhibit No. 4 - document
00:52:36 23 produced by the witness was marked for identification.)
00:52:59 24 MR. SIMPSON: I just want to make that part
00:53:00 25 of the record.

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00:53:00 1 BY MR. SIMPSON:
00:53:02 2 **Q.** Before Wednesday of this week, you had none
00:53:07 3 of the information that you just described about
00:53:10 4 Professor Dershowitz's testimony, correct?
00:53:12 5 **A. Correct.**
00:53:12 6 **Q.** I'm trying to look at my notes here of your
00:53:28 7 long answer, but one thing you indicated that -- was the
00:53:30 8 fact that Professor Dershowitz gave long answers is
00:53:34 9 somehow indicative of false answers or perjury --
00:53:34 10 MR. SCAROLA: That is --
00:53:34 11 BY MR. SIMPSON:
00:53:39 12 **Q.** -- is that right?
00:53:39 13 MR. SCAROLA: That is an absolute
00:53:40 14 mischaracterization of the statement that
00:53:43 15 Professor Cassell made. He did not refer to the
00:53:47 16 length of the answers, but rather their
00:53:47 17 nonresponsiveness.
00:53:47 18 BY MR. SIMPSON:
00:53:52 19 **Q.** Let me -- let me ask a different question.
00:53:55 20 Go back to the flight logs themselves.
00:53:57 21 **A. Okay.**
00:53:57 22 **Q.** My initial question that got us going down
00:54:01 23 this line was: Isn't it true that the flight logs
00:54:05 24 themselves support Professor Dershowitz's testimony that
00:54:13 25 he was never on a plane with Virginia Roberts, the face

00:54:17 1 of the flight logs support that proposition?
00:54:20 2 **A. The face of the flight logs for the relevant**
00:54:23 3 **period of time, we can call it the hot period of time or**
00:54:25 4 **whatever you want, did not reveal the presence of**
00:54:27 5 **Mr. Dershowitz on those flights, yes.**
00:54:29 6 **Q.** Okay. So during the period -- well,
00:54:32 7 actually, there's no flight log that shows Virginia
00:54:34 8 Roberts and Professor Dershowitz on the same airplane,
00:54:37 9 correct?
00:54:37 10 **A. That's my understanding, yes.**
00:54:39 11 **Q.** And --
00:54:39 12 MR. SCAROLA: By name. You're -- you're --
00:54:39 13 MS. McCAWLEY: And it --
00:54:41 14 MR. SCAROLA: -- asking whether she was there
00:54:43 15 identified by name?
00:54:45 16 BY MR. SIMPSON:
00:54:47 17 **Q.** To your knowledge, isn't it correct that
00:54:49 18 there is no flight log that's been produced in this case
00:54:51 19 by any party that reflects Professor Dershowitz and
00:54:55 20 Virginia Roberts on the same plane, as you read the
00:54:58 21 flight log?
00:54:59 22 MR. SCAROLA: I'm sorry. Are you asking
00:55:02 23 whether those same names appear on the flight log
00:55:06 24 together?
00:55:06 25 MR. SIMPSON: My question, I think, is

00:55:08 1 perfectly clear.
00:55:08 2 BY MR. SIMPSON:
00:55:08 3 **Q.** My question, Mr. Cassell, is: You reviewed
00:55:11 4 the flight logs, correct?
00:55:12 5 **A. Correct.**
00:55:12 6 **Q.** You reviewed them in some detail, correct?
00:55:14 7 **A. Correct.**
00:55:15 8 **Q.** Is there any entry on those flight lines --
00:55:17 9 logs that you read as putting Professor Dershowitz and
00:55:21 10 Miss Roberts on the same plane?
00:55:23 11 **A. No.**
00:55:24 12 **Q.** And so your testimony about questions about
00:55:26 13 the completeness and accuracy of those flight logs goes
00:55:33 14 to whether the logs are -- let me rephrase that.
00:55:39 15 The answer that you gave about your question
00:55:43 16 as -- your views as to the completeness of the flight
00:55:47 17 logs and whether they may have been changed in some
00:55:50 18 ways, goes to whether those logs are conclusive, not
00:55:54 19 whether they, in fact, support Professor Dershowitz's
00:55:58 20 testimony that he was not on a plane with Virginia
00:56:02 21 Roberts?
00:56:03 22 MR. SCAROLA: I'm going to object to the form
00:56:04 23 of the question as vague and ambiguous. I don't
00:56:06 24 understand it.
00:56:08 25 THE WITNESS: And I won't give a long answer,

00:56:08 1 but I -- I think, as I previously indicated, you
00:56:11 2 can't just look at the face of these documents
00:56:14 3 without -- with -- you know, against the context
00:56:17 4 of an international sex trafficking ring that's
00:56:19 5 trying to cover up what it's doing. You can't
00:56:21 6 just look and documents and assume that they are
00:56:22 7 100 percent accurate without that -- having that
00:56:24 8 context in mind.
00:56:25 9 BY MR. SIMPSON:
00:56:26 10 **Q.** And so am I right, that on the face of the
00:56:29 11 flight logs, there's nothing showing Virginia Roberts
00:56:32 12 and Professor Dershowitz on the same plane?
00:56:35 13 **A. That's correct.**
00:56:35 14 **Q.** And -- go on.
00:56:40 15 And so do I understand correctly that your
00:56:57 16 position is that the flight logs may not be complete or
00:57:06 17 may have been changed, but you do not dispute, that on
00:57:10 18 their face, they support Professor Dershowitz's
00:57:13 19 testimony?
00:57:14 20 MR. SCAROLA: Objection.
00:57:16 21 MS. McCAWLEY: Objection.
00:57:16 22 MR. SCAROLA: Compound.
00:57:16 23 THE WITNESS: Could you just aggregate that?
00:57:19 24 BY MR. SIMPSON:
00:57:20 25 **Q.** You follow the objections very well.

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00:57:22 1 A. **I was thinking of that as well.**
00:57:22 2 BY MR. SIMPSON:
00:57:22 3 Q. Let me --
00:57:23 4 A. **I wasn't --**
00:57:23 5 Q. Let me --
00:57:25 6 A. **-- following their answer.**
00:57:25 7 Q. Let me -- let me just ask a different
00:57:27 8 question.
00:57:27 9 A. **Sure. Thanks.**
00:57:31 10 Q. You testified that you have -- at some
00:57:35 11 length, about why you question the accuracy of the
00:57:40 12 flight logs, correct?
00:57:43 13 A. **Correct.**
00:57:43 14 Q. But I may be redundant, but you don't
00:57:45 15 question that what they show on their face supports
00:57:48 16 Professor Dershowitz's testimony --
00:57:48 17 MS. McCAWLEY: Objection.
00:57:48 18 BY MR. SIMPSON:
00:57:50 19 Q. -- that he was not on a plane with Virginia
00:57:52 20 Roberts?
00:57:53 21 A. **The -- you know, the -- the sex trafficking**
00:57:56 22 **ring run by Jeffrey Epstein has produced Epstein flight**
00:57:59 23 **logs that appear to show that -- that Dershowitz and**
00:58:04 24 **Virginia Roberts are not on the plane, so...**
00:58:06 25 Q. So the answer to my question is, yes?

00:58:09 1 MR. SCAROLA: I'm sorry.
00:58:09 2 THE WITNESS: Which question now?
00:58:10 3 MR. SIMPSON: The question you just -- could
00:58:12 4 you read back my -- my question and the answer?
00:58:12 5 BY MR. SIMPSON:
00:58:31 6 Q. Let me ask it again.
00:58:31 7 A. **Okay.**
00:58:31 8 Q. That's fine.
00:58:33 9 A. **I mean, I thought I was --**
00:58:33 10 MR. SCAROLA: There's no question pending.
00:58:34 11 THE WITNESS: I'm sorry.
00:58:35 12 BY MR. SIMPSON:
00:58:35 13 Q. What were you about to say?
00:58:36 14 A. **I was about to say that the records that they**
00:58:39 15 **produced -- I'm -- I'm sorry...**
00:58:42 16 Q. The records -- the records that were
00:58:44 17 produced --
00:58:44 18 A. **On -- on their face, I cannot give you a**
00:58:47 19 **flight log that has Virginia Roberts and Alan Dershowitz**
00:58:50 20 **sitting next to each other, yes.**
00:58:51 21 Q. And you also -- you also testified a moment
00:58:54 22 ago that Professor Dershowitz in his testimony in the
00:58:57 23 last couple of days, had testified that Virginia Roberts
00:59:03 24 had been arrested for stealing cash; do you refer -- do
00:59:08 25 you recall that?

00:59:08 1 A. **I recall his testimony to that effect, yes.**
00:59:10 2 Q. And you testified that no support for that
00:59:14 3 had been produced in discovery; is that correct?
00:59:16 4 A. **That's my understanding, yes.**
00:59:17 5 Q. Isn't it true that in Mr. Alessi's
00:59:20 6 deposition, he describes that under oath and says that
00:59:23 7 it happened?
00:59:24 8 A. **I don't have a recollection of criminal**
00:59:27 9 **charges having been discussed in the Alessi deposition.**
00:59:31 10 Q. Is it -- well, let me -- let me ask you: Is
00:59:34 11 it your testimony that you understood that, in fact,
00:59:40 12 Miss Roberts had been accused of stealing money from her
00:59:44 13 employer?
00:59:47 14 MS. McCAWLEY: I'm going to object to the
00:59:48 15 extent it gets into any conversations that you
00:59:49 16 had with Virginia on any of these issues.
00:59:52 17 THE WITNESS: Yeah, I'm trying to -- if your
00:59:55 18 question is about the Alessi depo, I don't --
00:59:58 19 don't immediately recall him discussing --
01:00:01 20 discussing them.
01:00:03 21 BY MR. SIMPSON:
01:00:04 22 Q. If I represent to you that Mr. Alessi, in his
01:00:07 23 deposition, referred to a police report and an arrest of
01:00:11 24 Miss Roberts, do you have any reason to question that?
01:00:13 25 MR. SCAROLA: Could we -- could we pull out

01:00:14 1 the deposition? And if you have got a reference
01:00:16 2 in the deposition, let's take a look at it.
01:00:17 3 MR. SIMPSON: I'm just asking for his
01:00:18 4 recollection right now. The document will speak
01:00:20 5 for itself. But I want to --
01:00:21 6 MR. SCAROLA: Yes, it will.
01:00:21 7 MR. SIMPSON: He -- he made a very serious
01:00:23 8 accusation. I would like to get an answer to my
01:00:25 9 question. Does he recall whether, in that
01:00:27 10 deposition that all the parties in this case
01:00:29 11 have, Mr. Alessi said under oath, that she had
01:00:32 12 been arrested and charged with stealing from her
01:00:34 13 employer.
01:00:35 14 THE WITNESS: When you -- the question built
01:00:37 15 in a serious accusation, the -- the -- the -- the
01:00:39 16 statement I was making is that we had propounded
01:00:42 17 an interrogatory to Mr. Dershowitz saying:
01:00:44 18 What's the basis for your assertion that
01:00:46 19 Miss Roberts had a criminal record? And that
01:00:49 20 answer didn't refer to an Alessi depo. If it --
01:00:51 21 this is one of the problems that I'm having.
01:00:53 22 When -- when -- you know, when you come into
01:00:56 23 a deposition, both sides are supposed to turn
01:00:58 24 everything over. And then if I get a question
01:01:00 25 about, well, what if -- you know, we're relying

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01:01:01 1 on this piece of the Alessi depo and it's not in
01:01:03 2 the answers to interrogatories, it's hard for me
01:01:05 3 to -- to give an answer to that. So -- so that's
01:01:07 4 the -- that's the concern I have.
01:01:10 5 MR. SIMPSON: I move -- I move to strike as
01:01:11 6 nonresponsive.
01:01:11 7 BY MR. SIMPSON:
01:01:12 8 **Q.** My question went to whether -- let me back
01:01:18 9 up. If -- if I'm -- unless I misunderstood you --
01:01:21 10 MR. SCAROLA: The question was: Did he
01:01:23 11 recall the contents --
01:01:23 12 MR. SIMPSON: I'm asking the question.
01:01:23 13 MR. SCAROLA: -- of the Alessi deposition.
01:01:24 14 MR. SIMPSON: I'm withdrawing it. I will ask
01:01:25 15 a new question.
01:01:26 16 MR. SCAROLA: Okay. Thank you.
01:01:26 17 BY MR. SIMPSON:
01:01:27 18 **Q.** I understood you in your -- the long answer
01:01:32 19 that you gave a while ago to suggest that Professor
01:01:36 20 Dershowitz had either testified falsely or failed to
01:01:41 21 provide relevant information on which he was basing his
01:01:44 22 testimony about Miss Roberts's arrest; is that right?
01:01:46 23 **A. Yes.**
01:01:46 24 **Q.** And that assertion would be incorrect if
01:01:50 25 there's a deposition in this case that all the parties

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01:01:53 1 have that include that information?
01:01:55 2 MR. SCAROLA: Mr. Simpson, there was an
01:01:58 3 express reference to an answer to interrogatory,
01:02:01 4 and the absence of any reference to an arrest for
01:02:05 5 theft in your client's sworn answer to
01:02:09 6 interrogatory. That's --
01:02:09 7 MR. SIMPSON: We -- we --
01:02:11 8 MR. SCAROLA: -- exactly what the testimony
01:02:12 9 was.
01:02:12 10 MR. SIMPSON: If you object to the form,
01:02:13 11 please just object to the form. I think it's a
01:02:15 12 proper question --
01:02:17 13 MR. SCAROLA: I -- I object --
01:02:17 14 MR. SIMPSON: -- in our discovery response.
01:02:18 15 MR. SCAROLA: -- I object to your
01:02:19 16 misrepresentation of the earlier testimony. I'm
01:02:21 17 sure it was not intentional, and that's why I'm
01:02:25 18 calling it to your attention so that we don't go
01:02:27 19 down a rabbit trail.
01:02:30 20 MR. SIMPSON: I'm not going down any rabbit
01:02:32 21 trail. I'm really -- objection to the form will
01:02:34 22 preserve it.
01:02:34 23 BY MR. SIMPSON:
01:02:37 24 **Q.** My question is whether you were aware at the
01:02:44 25 time that Professor Dershowitz testified that, in fact,

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01:02:48 1 Mr. Alessi had also testified previously about the
01:02:54 2 arrest of Miss Roberts for stealing from her employer?
01:02:57 3 **A. I didn't recall that. If that's in there,**
01:03:00 4 **you're -- you're making a representation, and I know**
01:03:01 5 **you're a fine lawyer, so I'll accept your**
01:03:04 6 **representation.**
01:03:05 7 **I didn't recall that when he was testifying**
01:03:06 8 **a -- a day or two ago on that subject.**
01:03:15 9 MR. SCAROLA: We have been going for about an
10 hour. Is it time to take a break? Is that
01:03:19 11 convenient for you?
01:03:19 12 MR. SIMPSON: We can take a break now.
01:03:21 13 THE VIDEOGRAPHER: We are going off the video
01:03:22 14 record, 9:35 a.m.
01:15:01 15 (Thereupon, a recess was taken.)
01:15:01 16 THE VIDEOGRAPHER: We are back on the video
01:15:28 17 record, 9:47 a.m.
01:15:30 18 THE WITNESS: I need to take two minutes, if
01:15:34 19 I may, and just supplement the long answer that I
01:15:34 20 gave about the series of things.
01:15:36 21 By looking over my checklist, I noticed that
01:15:38 22 item 5 of the 12 items was not given during my
01:15:42 23 testimony. I'm --
01:15:42 24 BY MR. SIMPSON:
01:15:44 25 **Q.** I don't -- I'm not going to ask about item 5.

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01:15:45 1 It's in the record as part of your -- your -- your --
01:15:49 2 **A. I would like to just supplement --**
01:15:50 3 MR. SCAROLA: That's fine. That's fine. If
01:15:51 4 you don't want to hear it, that's okay.
01:15:51 5 THE WITNESS: I'd like --
01:15:53 6 MR. SCAROLA: Just as long as it's noted that
01:15:54 7 there was an inadvertent omission.
01:15:56 8 THE WITNESS: Yeah.
01:15:56 9 BY MR. SIMPSON:
01:15:58 10 **Q.** As part of -- I'm going to go back actually
01:16:02 11 to --
01:16:02 12 **A. Sure.**
01:16:02 13 **Q.** -- the questions I was asking. One question
01:16:06 14 about the -- the flight logs again.
01:16:08 15 **A. Okay.**
01:16:08 16 **Q.** It's true, is it not, that you have no
01:16:12 17 personal knowledge as to whether Professor Dershowitz or
01:16:15 18 some other member of Jeffrey Epstein's defense team
01:16:21 19 prepared those logs for production to the government?
01:16:23 20 **A. I don't have personal knowledge of -- of**
01:16:25 21 **that, that's right.**
01:16:26 22 **Q.** And you would agree, would you not, that it's
01:16:33 23 the duty of a defense counsel to represent a client
01:16:38 24 zealously within the bounds of the law, correct?
01:16:40 25 **A. Correct.**

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01:16:41 1 Q. In fact, I think you testified yesterday
01:16:44 2 about your duty with respect to Miss Roberts along those
01:16:47 3 lines, correct?
01:16:48 4 **A. That's right.**
01:16:48 5 Q. And so with respect to Professor Dershowitz's
01:16:52 6 representation of Jeffrey Epstein, he would have been
01:16:57 7 acting unethically if he didn't attempt to negotiate the
01:17:00 8 best resolution for his client that he could, consistent
01:17:05 9 with the law; is that correct?
01:17:06 10 **A. Right. Consistent with the law, yes.**
01:17:09 11 Q. And so you wouldn't --
01:17:09 12 **A. I'm sorry. Let me just -- consistent with**
01:17:11 13 **the law and with the ethical obligations of attorneys.**
01:17:14 14 **Attorneys cannot make, for example, false**
01:17:16 15 **representations when they are negotiating those kinds of**
01:17:18 16 **things.**
01:17:18 17 Q. Right. The duty as a defense counsel,
01:17:22 18 Professor Dershowitz's duty was to attempt to obtain the
01:17:27 19 best resolution he could for Jeffrey Epstein consistent
01:17:31 20 with the law and legal ethics, correct?
01:17:34 21 **A. That's correct.**
01:17:34 22 Q. And, in fact, if he had not done that, he
01:17:39 23 would have been acting unethically, correct?
01:17:41 24 **A. That's correct.**
01:17:41 25 Q. And would you agree that it would be

01:17:46 1 inappropriate, totally inappropriate, to infer anything
01:17:55 2 negative about an attorney because the attorney
01:17:58 3 represented someone accused of heinous crimes?
01:18:01 4 **A. Just the fact of representation alone?**
01:18:04 5 Q. Yes.
01:18:04 6 **A. Yeah, that's right. Sure, of course,**
01:18:06 7 **everyone is entitled to a defense.**
01:18:08 8 Q. As -- before December 30th of 2014, had you
01:18:18 9 reviewed the Palm Beach Police report?
01:18:22 10 **A. Portions of it, yes.**
01:18:23 11 Q. Had you reviewed the entire report?
01:18:25 12 **A. I think I reviewed most of it, but I don't**
01:18:31 13 **think I've gone through it page by page.**
01:18:32 14 Q. When did you do that?
01:18:35 15 **A. Well, let's see. Before December 30th, 2014,**
01:18:41 16 **Brad and I filed the case in about July 2008, so it was**
01:18:49 17 **about a six-year period of time, and I remember I'd been**
01:18:56 18 **to Florida a couple of times on this case, once in 2010**
01:19:03 19 **and I think another a year or two later. And I**
01:19:07 20 **remember, at least on one of those times, reviewing the**
01:19:09 21 **report here with -- I don't know if I can...**
01:19:15 22 MS. McCAWLEY: Yeah. I wouldn't go into
01:19:15 23 anything.
01:19:15 24 THE WITNESS: To the -- right. So we just --
01:19:15 25 we just want to know --

01:19:19 1 MS. McCAWLEY: The location is fine.
01:19:20 2 THE WITNESS: The location, once
01:19:22 3 personally -- once here in Florida, and then in
01:19:25 4 my office in -- while in Salt Lake City.
01:19:25 5 BY MR. SIMPSON:
01:19:28 6 Q. And are you able to place in time when you
01:19:29 7 reviewed these portions of the police report, other than
01:19:35 8 before December 30th of 2014?
01:19:37 9 **A. Not precisely, no.**
01:19:40 10 Q. And do I understand correctly from your
01:19:42 11 testimony yesterday that that police report is one of
01:19:47 12 the things you relied on to support making the
01:19:51 13 allegations against Professor Dershowitz that are
01:19:54 14 included in the joinder motion?
01:19:56 15 **A. That's right.**
01:19:56 16 Q. It's also true, is it not, that that police
01:20:01 17 report includes an interview with an adult woman who was
01:20:07 18 retained to provide massages at Jeffrey Epstein's
01:20:11 19 residence for guests, among others; isn't that correct?
01:20:14 20 **A. I believe that's correct.**
01:20:16 21 Q. And based on that, is it your testimony that
01:20:20 22 it's fair to presume that a reference that a guest got a
01:20:24 23 massage is a code word for abusing a minor sexually?
01:20:31 24 MR. SCAROLA: I'm sorry. Are you -- are you
01:20:33 25 isolating --

01:20:33 1 MR. SIMPSON: I don't -- I don't want a
01:20:34 2 speech, Mr. Scarola. If you object to the form,
01:20:36 3 object to the form, and I -- if it's not a proper
01:20:38 4 question --
01:20:38 5 MR. SCAROLA: I want a clarification of the
01:20:39 6 question, please. Are you isolating only that
01:20:39 7 piece --
01:20:39 8 MR. SIMPSON: I -- the question --
01:20:41 9 MR. SCAROLA: -- of information?
01:20:42 10 MR. SIMPSON: I'm -- I am asking a question
01:20:45 11 that's perfectly clear. If you think it's
01:20:46 12 objectionable, it won't -- it will stand.
01:20:49 13 MR. SCAROLA: I'm going to object on the
01:20:50 14 basis that it is vague and ambiguous. It is
01:20:53 15 unclear whether you're asking for him --
01:20:55 16 MR. SIMPSON: Please don't coach the witness.
01:20:56 17 MR. SCAROLA: -- to isolate -- to isolate his
01:20:59 18 focus to that single piece of evidence.
01:20:59 19 MR. SIMPSON: I object on the coaching of the
01:21:01 20 witness.
01:21:01 21 BY MR. SIMPSON:
01:21:02 22 Q. My question is: Is it reasonable,
01:21:06 23 considering that the police report on its face shows
01:21:11 24 evidence -- let me back this up. Ask another question
01:21:16 25 to you.

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01:21:16 1 Are you aware that the police report reflects
01:21:21 2 that the woman I referred to who was hired to give
01:21:24 3 massages, told them that she never touched anyone
01:21:28 4 inappropriately?
01:21:29 5 **A. I think that there are -- there is**
01:21:32 6 **information along those lines in the police report, yes.**
01:21:34 7 Q. Okay. And so do you acknowledge that the
01:21:37 8 police report, on its face, reflects both reports of
01:21:41 9 massages that involved improper sexual contact --
01:21:45 10 contact and massages that were perfectly legitimate?
01:21:50 11 **A. Yes, but not in the same proportion.**
01:21:54 12 Q. My question wasn't proportion. The -- the
01:21:57 13 report on its face, you understood, reflected that there
01:22:01 14 were massages given at Mr. Epstein's residence that were
01:22:06 15 perfectly legitimate?
01:22:08 16 **A. Some -- it was basically a few isolated**
01:22:13 17 **examples from what I could see.**
01:22:14 18 Q. So you would characterize what was said in
01:22:18 19 the police report as "a few isolated examples"?
01:22:21 20 **A. Well, given the backdrop that they had --**
01:22:25 21 Q. No. My question -- it's a yes or no
01:22:26 22 question. Is that how you would characterize it?
01:22:27 23 MR. SCAROLA: Excuse me. The witness is not
01:22:29 24 confined to answering yes or no, if yes or no
01:22:31 25 would be misleading.

01:22:33 1 BY MR. SIMPSON:
01:22:33 2 Q. It's a different position than was taken
01:22:35 3 previously, but --
01:22:36 4 **A. I mean, I was just going to give one**
01:22:38 5 **sentence, and the one sentence would be, in the context**
01:22:41 6 **of this whole police report where they had 24,**
01:22:44 7 **approximately, minor girls who were -- who were being**
01:22:47 8 **sexually abused, the references to legitimate massages I**
01:22:51 9 **would view as isolated.**
01:22:53 10 Q. So you're coming to the conclusion, looking
01:22:56 11 at the police report, that they are isolated; is that
01:22:59 12 right?
01:22:59 13 **A. Yes.**
01:23:01 14 Q. And do you think a fair-minded reader of the
01:23:04 15 police report would reach that conclusion?
01:23:05 16 **A. Absolutely.**
01:23:07 17 Q. And were you aware that the police report, to
01:23:12 18 give a bit more detail, reflected that a woman who was
01:23:14 19 described as having tattoos was hired to give
01:23:17 20 deep-tissue Swedish massages. Do you recall that being
01:23:20 21 in the -- in the police report?
01:23:22 22 **A. Something along those lines, yes.**
01:23:23 23 Q. And she also -- that woman also told the
01:23:26 24 police that she was not Jeffrey Epstein's type, that she
01:23:30 25 wasn't thin, had tattoos, didn't fit his type?

01:23:34 1 **A. That sounds accurate with the information I**
01:23:37 2 **have, yes, she doesn't sound like she would fit his**
01:23:40 3 **type.**
01:23:40 4 Q. And so do you agree with me then --
01:23:42 5 **A. And she's over the age of 18, which is**
01:23:44 6 **another reason why wouldn't fit his type, so...**
01:23:47 7 Q. But you acknowledge that -- that this
01:23:50 8 woman -- that the police report reflects a woman over --
01:23:54 9 well over the age of 18, being hired to give perfectly
01:23:57 10 legitimate massages, correct?
01:23:58 11 **A. Yeah. That was cover for the sex trafficking**
01:24:01 12 **that was going on.**
01:24:01 13 Q. Okay. So you're now -- does the police
01:24:04 14 report say "it was cover" --
01:24:04 15 **A. That was --**
01:24:05 16 Q. -- "for the sex trafficking"?
01:24:07 17 **A. That was my conclusion when I reviewed the**
01:24:09 18 **materials.**
01:24:09 19 Q. Okay. So your inclusion is that a
01:24:11 20 fair-minded reader of the police report would come to
01:24:14 21 that conclusion?
01:24:15 22 **A. December 30th of 2014, knowing what we know**
01:24:18 23 **now, yes.**
01:24:19 24 Q. Do you consider yourself a very suspicious
01:24:24 25 person?

01:24:25 1 **A. No.**
01:24:25 2 Q. Do you consider yourself a conspira -- having
01:24:31 3 a conspiratorial view?
01:24:31 4 **A. Absolutely not.**
01:24:34 5 Q. Do you consider yourself a crusader?
01:24:35 6 **A. Well, crusader for justice, I would say, yes.**
01:24:41 7 Q. If -- let me put it this way: In your view,
01:24:49 8 is evidence that a person, any person, any guest at
01:24:54 9 Mr. Epstein's house had a massage, evidence that that
01:25:01 10 person engaged in criminal sexual conduct, contact with
01:25:07 11 minors, because of the fact of having a massage?
01:25:13 12 **A. You'd have to look at the context.**
01:25:16 13 Q. On its own, is it any evidence -- doesn't
01:25:19 14 it -- is it any evidence at all, in your view?
01:25:21 15 **A. It would be some evidence, yes.**
01:25:22 16 Q. Notwithstanding that the report, on its face,
01:25:26 17 reflects both legitimate and illegitimate massages?
01:25:30 18 **A. The report on its face, let's be clear,**
01:25:32 19 **reflects a lot of illegitimate sag -- massages and a**
01:25:36 20 **sporadic or isolated, you know, legitimate massages. So**
01:25:38 21 **the fact that somebody gets a massage in that context,**
01:25:42 22 **I -- I think is -- is -- raises, you know, the concerns**
01:25:45 23 **we have been talking about.**
01:25:47 24 Q. Did you, before December 30th of 2014,
01:26:03 25 yourself personally, review what I think you referred to

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01:26:07 1 in your testimony yesterday as the holy grail, an
01:26:12 2 address book of Mr. Epstein?
01:26:17 3 **A. Pieces of it, yes.**
01:26:18 4 Q. Did you review the entire document?
01:26:21 5 **A. No.**
01:26:21 6 Q. Did I understand yesterday that you
01:26:25 7 testified -- did I understand correctly yesterday, that
01:26:28 8 you testified that the fact that names were circled
01:26:33 9 indicated that those persons likely engaged in illegal
01:26:39 10 sexual contact with minors?
01:26:41 11 **A. My -- my impression is the names that were**
01:26:44 12 **circled were circled by Alfredo Rodriguez when he was**
01:26:47 13 **busted by the FBI for involvement, and he was asked to**
01:26:51 14 **identify those who would have information about the sex**
01:26:54 15 **trafficking organization. And my -- based on all the**
01:26:58 16 **evidence I have, I believe the names that were circled**
01:27:00 17 **were those who would have that kind of information.**
01:27:02 18 Q. So is it your testimony that if the name is
01:27:05 19 circled, it indicates that they have information, or
01:27:08 20 that they are criminals?
01:27:09 21 **A. That they would have information about the**
01:27:12 22 **sex trafficking organization, and that would probably**
01:27:15 23 **mean that they were part of the organization. It may**
01:27:18 24 **mean that they were witnesses to what the organization**
01:27:19 25 **was doing.**

01:27:20 1 **But they would have information that the FBI,**
01:27:24 2 **among other law enforcement agencies, should be**
01:27:26 3 **following up on, if they are trying to piece together**
01:27:28 4 **what the sex trafficking organization was doing.**
01:27:32 5 Q. Would you agree that a fair-minded person,
01:27:37 6 with that background that you just described, would not
01:27:41 7 go to the conclusion that the fact that a name is
01:27:44 8 circled indicates that that person has engaged in
01:27:46 9 criminal conduct?
01:27:48 10 **A. They -- what it would indicate is that they**
01:27:51 11 **had information relevant to criminal activity. Now,**
01:27:54 12 **would they on the -- just the fact that a name was**
01:27:55 13 **circled, standing alone, reach that conclusion?**
01:27:59 14 **Well, that's a hypothetical question because**
01:28:01 15 **obviously in this case, there's lots of other**
01:28:02 16 **information.**
01:28:02 17 Q. Did you understand -- it is true, is it not,
01:28:06 18 that Mr. Rodriguez was trying to sell that book?
01:28:09 19 **A. That's true.**
01:28:10 20 Q. And is it not also true that the people who
01:28:13 21 are circled are famous people?
01:28:15 22 **A. I'd have to refresh my recollection as to**
01:28:22 23 **exactly who was circled, but I know that some famous**
01:28:25 24 **people were circled and some famous people were not**
01:28:29 25 **circled.**

01:28:29 1 Q. Would it be a reasonable inference, or a
01:28:36 2 possible reasonable inference to draw, that
01:28:39 3 Mr. Rodriguez was trying to highlight people who would
01:28:42 4 be of interest to the Press for purposes of selling the
01:28:45 5 book?
01:28:46 6 **A. No, because he was not talking to the Press.**
01:28:49 7 **He was talking to an FBI agent who had busted him for**
01:28:52 8 **criminal activity. And so I was assuming that what he**
01:28:54 9 **was trying to do, as many criminals do when they are**
01:28:58 10 **apprehended, was give information to law enforcement**
01:29:01 11 **agency that would be helpful so that they can catch**
01:29:03 12 **other "bigger fishes" is the phrase that's sometimes**
01:29:06 13 **used, so that the little fish would -- would get off or**
01:29:09 14 **get a cooperation deal from the law enforcement agency.**
01:29:12 15 **He was talking -- let's be clear. He was**
01:29:14 16 **talking to somebody he understood was an FBI agent at**
01:29:17 17 **the time, and so that was the context of the**
01:29:18 18 **conversation.**
01:29:19 19 Q. Do you have any personal knowledge that it's
01:29:22 20 in the context of talking to the FBI that Mr. Rodriguez
01:29:25 21 circled those names?
01:29:26 22 **A. I have reviewed -- I know I could refresh my**
01:29:30 23 **recollection here, but there's an FBI 302, a report of**
01:29:33 24 **interview of the circumstances surrounding**
01:29:35 25 **Mr. Rodriguez's arrest, and I believe I reviewed that**

01:29:38 1 **302.**
01:29:39 2 Q. Do you know whether the FBI, at any point,
01:29:47 3 contacted Professor Dershowitz to discuss any evidence
01:29:53 4 he might have after his name was circled on this
01:29:56 5 document?
01:29:57 6 **A. I don't have personal knowledge of what the**
01:29:58 7 **FBI did to follow up after that.**
01:30:01 8 Q. Okay. One of the names that's circled in the
01:30:05 9 book is Courtney Love. Do you know who she is?
01:30:08 10 **A. Not off the top of my head, no.**
01:30:12 11 Q. If I mention to you or if I represent that
01:30:16 12 she's a famous actress, any reason to question that?
01:30:19 13 **A. No.**
01:30:21 14 Q. In your view, was Courtney Love involved in
01:30:25 15 sex trafficking?
01:30:26 16 **A. I don't know.**
01:30:27 17 Q. In your view, was Courtney Love a witness to
01:30:32 18 sex trafficking?
01:30:33 19 **A. If -- is there a way -- are you representing**
01:30:36 20 **her name is circled?**
01:30:38 21 Q. Her name is circled on the book. In fact, we
01:30:40 22 can show it --
01:30:40 23 **A. Okay. Yeah.**
01:30:40 24 Q. It is circled on the book.
01:30:42 25 **A. Okay. Sure. Yeah, I mean, my -- my**

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01:30:44 1 **understanding would be that if her -- and this is --**
01:30:46 2 **could I ask a question about the circling -- or your**
01:30:49 3 **representation?**
01:30:50 4 **Is the circling the same type of circling**
01:30:52 5 **that is done for Mr. Dershowitz, for example? Is it the**
01:30:56 6 **same, you know, handwriting, same ink, same -- same**
01:30:59 7 **appearance? You know, if it's consistent with the**
01:31:02 8 **circling -- are you representing it's consistent with**
01:31:04 9 **the circling?**
01:31:07 10 **Q.** Mr. Cassell, we have a document produced in
01:31:09 11 discovery that has various names circled. Looking at
01:31:14 12 the document, I don't see any difference among the
01:31:17 13 circles. Are you aware of any document --
01:31:20 14 MR. SCAROLA: Could we have a look -- could
01:31:21 15 we see the document?
01:31:25 16 MR. SIMPSON: Take a -- go off the record for
01:31:28 17 one moment.
01:31:28 18 THE WITNESS: We are going off the video
01:31:30 19 record, 10:03.
01:36:22 20 (Thereupon, a recess was taken.)
01:36:22 21 THE VIDEOGRAPHER: We are back on the video
01:36:24 22 record, 10:08 a.m.
01:36:30 23 MR. SIMPSON: Okay. Back on the record. I'm
01:36:31 24 going to ask the reporter to mark as Cassell
01:36:36 25 Exhibit 5, a multi-page document. It's a copy of

01:36:44 1 the address book we have been speaking about, and
01:36:49 2 ask that Doc -- Mr. Cassell to take a look at
01:36:51 3 this, and I'm going to ask him about certain of
01:36:55 4 the entries.
01:37:03 5 (Cassell's I.D. Exhibit No. 5 - copy of
01:37:03 6 address book was marked for identification.)
01:37:03 7 MR. SIMPSON: And I will note, I put a few
01:37:03 8 flags on here --
01:37:03 9 THE WITNESS: Sure.
01:37:06 10 MR. SIMPSON: -- to direct your attention --
01:37:06 11 THE WITNESS: Correct, yeah.
01:37:09 12 MR. SIMPSON: -- which we can -- I'll note
01:37:10 13 the pages for the record just so we have them.
01:37:16 14 38, 76, and 85.
01:37:24 15 THE WITNESS: Okay. I just -- I just want to
01:37:25 16 take two minutes or so --
01:37:25 17 BY MR. SIMPSON:
01:37:27 18 **Q.** Yeah. Take -- take a moment to look at it.
01:37:29 19 **A. Okay. I want to make a few notes, if that's**
01:38:07 20 **all right, just to get them in --**
01:38:07 21 **Q.** You're going to mark on the --
01:38:09 22 **A. No, not on the exhibit. I'm just going to**
01:38:11 23 **make notes to refresh my recollection so we don't have**
01:38:13 24 **to take time. I'm just -- I'm just making notes of the**
01:38:15 25 **context here. This will just take another minute is**

01:38:22 1 **all.**
01:38:23 2 **Q.** Take as long as you want to look at the
01:38:26 3 document.
01:38:27 4 **A. Super. Thank you.**
01:38:51 5 **Okay. Yeah. I think I'm -- I'm oriented**
01:38:54 6 **now. But I haven't looked at the Love entry.**
01:38:54 7 **Q.** My -- my first --
01:38:57 8 **A. I want to look at the Love --**
01:38:57 9 **Q.** -- question is: Is this a copy of the
01:39:02 10 address book that you referred to in your testimony?
01:39:05 11 **A. Yes.**
01:39:05 12 **Q.** Okay. And if you would take a look at the --
01:39:08 13 I've marked the entries for Courtney Love. Take a look
01:39:13 14 at that one.
01:39:13 15 **A. All right. I see it.**
01:39:14 16 **Q.** Okay. And then if you look at the last
01:39:16 17 entry, there's an entry for Professor Dershowitz that's
01:39:21 18 also circled. It should be on the flag. It's
01:39:26 19 two-sided.
01:39:26 20 **A. Oh, yeah.**
01:39:29 21 **Q.** Do you see that one?
01:39:30 22 **A. I see it.**
01:39:31 23 **Q.** And then also the other one I marked is
01:39:32 24 Donald Trump.
01:39:38 25 **A. Yes. Got it. I see those entries circled.**

01:39:47 1 **Q.** So am I right -- I'm right, am I not, that
01:39:50 2 among the others circled are: Courtney Love, Donald
01:39:54 3 Trump, and Alan Dershowitz, correct?
01:39:55 4 **A. Correct, among the others, yes.**
01:39:57 5 **Q.** And they are all circled in the same way; are
01:40:00 6 they not?
01:40:00 7 **A. Yeah. It's kind of a -- a box is what I**
01:40:04 8 **would say. Some, yes.**
01:40:06 9 **Q.** Is there anything on the face of that
01:40:08 10 document that leads you to conclude that the circling --
01:40:13 11 the significance of the circling is any different for
01:40:16 12 one person than another?
01:40:17 13 **A. No.**
01:40:18 14 **Q.** So based on the document, do you infer that
01:40:23 15 Courtney Love was involved in some kind of sexual abuse
01:40:30 16 of minors?
01:40:30 17 **A. I would infer that if I were running a**
01:40:35 18 **criminal investigation through the FBI and I'm trying to**
01:40:37 19 **find people who would have relevant information, she**
01:40:40 20 **would be one of the people I'd want to talk to. I mean,**
01:40:43 21 **the names that are circled here, Glenn Maxwell, one of**
01:40:45 22 **the identified traffickers, Epstein is circled, the**
01:40:48 23 **pilot -- one of the pilots is circled. So it's these**
01:40:51 24 **people that all seemed to be connected are -- are all**
01:40:55 25 **being marked here, and -- and the number of people that**

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01:40:57 1 **are circled is, I would say, you know, 5 to 10 percent**
01:41:00 2 **of the -- of the names ball-parking in the dark.**
01:41:03 3 **Q.** Do you know whether this address book was
01:41:07 4 Jeffrey Epstein's address book or Glenn Maxwell's
01:41:11 5 address book?
01:41:12 6 **A. I'm not certain exactly whose book it is. I**
01:41:16 7 **actually thought it was Alfredo Rodriguez maintaining a**
01:41:19 8 **copy of records in case he was worried that Epstein**
01:41:22 9 **might try to have him killed at some point, and so this**
01:41:25 10 **was his insurance policy, I think he said, against that**
01:41:28 11 **happening.**
01:41:29 12 MR. SIMPSON: Object to the nonresponsive
01:41:31 13 portion of the answer.
01:41:31 14 BY MR. SIMPSON:
01:41:32 15 **Q.** Is the answer to my question: You don't know
01:41:34 16 whether it was Jeffrey Epstein's or Glenn Maxwell's
01:41:38 17 address book?
01:41:39 18 **A. I don't know. And the reason I don't know**
01:41:41 19 **that is because I actually believe it is neither --**
01:41:44 20 **neither of their -- that's -- is it one or the other?**
01:41:46 21 **Actually, I think it's a third possibility. I think**
01:41:48 22 **this was Alfredo Rodriguez's insurance policy against**
01:41:51 23 **getting knocked off by Jeffrey Epstein.**
01:41:55 24 **Q.** So that's the view you have of the
01:42:04 25 significance of this document?

01:42:06 1 **A. Yes. In part. I mean, there are other**
01:42:08 2 **reasons it's significant, as we have been talking about,**
01:42:10 3 **names are circled who appear to have relevant**
01:42:13 4 **information on Jeffrey Epstein's criminal activities.**
01:42:17 5 **Q.** Donald Trump was a friend of Jeffrey Epstein;
01:42:22 6 is that not correct?
01:42:23 7 **A. I really don't -- my understanding is, yes,**
01:42:26 8 **but I -- I don't have a lot of information about Trump.**
01:42:29 9 **Q.** It's true also, is it not, that Mr. Trump was
01:42:34 10 a frequent visitor to Mr. Epstein's residence?
01:42:38 11 **A. I -- I know that he visited frequent. I -- I**
01:42:41 12 **don't have a lot of information about Trump.**
01:42:43 13 **Q.** And his name is circled in this book; is it
01:42:47 14 not?
01:42:47 15 **A. I believe it is.**
01:42:48 16 **Q.** Based on him -- assuming he's a frequent
01:42:52 17 visitor to Mr. Epstein's home, and that he's a friend of
01:43:00 18 Mr. Epstein's, and that his name is circled in this
01:43:03 19 book, do you infer that he was engaged in criminal
01:43:09 20 sexual abuse of minors?
01:43:11 21 MS. McCAWLEY: I'm going to object to the
01:43:13 22 extent that your answer would reveal anything
01:43:16 23 that my client has told you.
01:43:16 24 THE WITNESS: No.
01:43:17 25

01:43:17 1 BY MR. SIMPSON:
01:43:17 2 **Q.** But based on your testimony previously, you
01:43:20 3 would consider all of those facts to be evidence that he
01:43:26 4 may have been?
01:43:28 5 **A. They are, you know, certainly things that I**
01:43:31 6 **would want to follow up on.**
01:43:32 7 **Q.** And --
01:43:34 8 **A. If I were running an -- we were in the**
01:43:36 9 **context, I take it, of your question, you know, if**
01:43:38 10 **somebody is running an investigation into the**
01:43:42 11 **organization, so...**
01:43:43 12 **Q.** Did you, in the course of your representation
01:43:47 13 of Miss Roberts or any of the other Jane Doe clients you
01:43:56 14 have had who have had claims against Mr. Epstein, make
01:43:58 15 any effort to find out whether Mr. Trump had abused any
01:44:02 16 of them?
01:44:04 17 MR. EDWARDS: I would just object to this
01:44:09 18 being work-product privilege as it relates to
01:44:10 19 other cases that I'm working on with Paul that
01:44:12 20 Jack is not involved in.
01:44:12 21 MR. SIMPSON: Okay.
01:44:15 22 MR. EDWARDS: With respect to what we did
01:44:16 23 during our investigation on behalf of other
01:44:18 24 clients.
01:44:19 25 MR. SIMPSON: Okay.

01:44:20 1 MS. McCAWLEY: Right. And I object on that
01:44:20 2 to the extent that it reveals anything you did on
01:44:23 3 behalf of Virginia Roberts.
01:44:23 4 MR. EDWARDS: I don't think Jack would know
01:44:26 5 to object to this, but because I know of another
01:44:28 6 case that we work on, that's protected by our
01:44:30 7 work-product privilege, who I talked to and who I
01:44:32 8 did not.
01:44:32 9 THE WITNESS: I'd like to --
01:44:32 10 MR. SCAROLA: In that case, I instruct you
01:44:34 11 not to answer.
01:44:34 12 THE WITNESS: All right.
01:44:37 13 MR. SIMPSON: All right. You're here,
01:44:39 14 Mr. Edwards, as a client, not an attorney,
01:44:41 15 correct?
01:44:42 16 MR. EDWARDS: Yes. That's my primary role in
01:44:44 17 being here, but I'm going to protect the
01:44:46 18 privilege to the extent that it's not being
01:44:47 19 protected by others who don't recognize that the
01:44:50 20 privilege needs to be protected on other matters.
01:44:52 21 MR. SIMPSON: Okay.
01:44:53 22 BY MR. SIMPSON:
01:44:58 23 **Q.** Mr. Cassell, as of December 30th of 2014,
01:45:03 24 were you aware that Professor Dershowitz had visited
01:45:09 25 Mr. Epstein's home and stayed as a guest for a week in

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01:45:14 1 the company of his grandchildren, among other family
01:45:18 2 members?
01:45:19 3 **A. I'm sorry. Which residence? Which Epstein**
01:45:23 4 **residence?**
01:45:23 5 Q. Palm Beach.
01:45:25 6 **A. Can you -- can you restate?**
01:45:25 7 Q. Yes.
01:45:27 8 **A. I mean that's kind of a compound question. I**
01:45:30 9 **mean...**
01:45:30 10 Q. Well, let me rephrase it. I will be clear.
01:45:31 11 **A. Yeah.**
01:45:32 12 Q. Were you aware as of December 30th of 2014 --
01:45:36 13 let me back up a moment.
01:45:37 14 **A. Sure.**
01:45:37 15 Q. You indicated yesterday that part of the
01:45:40 16 basis for your conclusion that this pleading -- it was
01:45:44 17 appropriate to file this pleading accusing Professor
01:45:49 18 Dershowitz of misconduct was that he was a guest at the
01:45:53 19 Palm Beach house, correct?
01:45:55 20 **A. No. It was more than that. He was a**
01:45:57 21 **frequent guest, a frequent overnight guest.**
01:46:01 22 Q. My question is: As of December 30th, 2014,
01:46:06 23 were you aware that Professor Dershowitz had spent a
01:46:10 24 week at the Palm Beach house with family members,
01:46:13 25 including his grandchildren?

01:46:15 1 **A. No.**
01:46:15 2 Q. Okay. Do you think it's reasonable -- would
01:46:20 3 it be reasonable to believe that someone who is
01:46:23 4 committing criminal sexual abuse of minors at a home
01:46:28 5 where such abuse, as you understand it, is a daily
01:46:33 6 occurrence would bring his grandchildren to stay for a
01:46:35 7 week?
01:46:35 8 **A. It would depend on the circumstances. I**
01:46:37 9 **mean, you know, so -- you know, it would depend on the**
01:46:40 10 **circumstances.**
01:46:40 11 MR. SCAROLA: Are you representing that
01:46:41 12 Jeffrey Epstein was there at the time?
01:46:42 13 MR. SIMPSON: I'm not answering questions.
01:46:44 14 I'm asking questions.
01:46:45 15 MR. SCAROLA: Oh, okay.
01:46:45 16 BY MR. SIMPSON:
01:46:47 17 Q. So, in your view, you can -- let me -- let me
01:46:50 18 rephrase that.
01:46:52 19 You say it would depend on the
01:46:54 20 circumstances --
01:46:54 21 **A. Sure. Sure.**
01:46:54 22 Q. -- that's your answer?
01:46:55 23 **A. Yes.**
01:46:56 24 Q. Okay. So that you don't find it incongruous
01:47:00 25 that someone who knows that a particular home is the

01:47:08 1 scene of ongoing criminal abuse of minors, and who
01:47:12 2 himself, has engaged in that criminal abuse, would bring
01:47:16 3 his grandchildren to stay there for a week?
01:47:18 4 **A. It would depend on the circumstances.**
01:47:21 5 Q. When you say that Professor Dershowitz was a
01:47:33 6 regular guest at the mansion, at the Palm Beach house,
01:47:41 7 it's correct, is it not, that you're referring to a
01:47:43 8 period after Virginia Roberts had left for Thailand?
01:47:47 9 **A. No.**
01:47:49 10 Q. Are you aware of any evidence -- let me back
01:47:55 11 that up.
01:47:57 12 Are -- during the period that Virginia
01:47:59 13 Roberts contends she was sexually abused, which I
01:48:02 14 understand to be middle of 1999 to middle of 2002 -- is
01:48:09 15 that consistent with your understanding?
01:48:10 16 **A. Approximately, yes.**
01:48:12 17 Q. -- how many times did Professor Dershowitz
01:48:14 18 visit the Palm Beach mansion during that period?
01:48:17 19 **A. My understanding is in the neighborhood of --**
01:48:21 20 **what was it? Three to five times a year, staying two to**
01:48:25 21 **three nights at a time.**
01:48:26 22 Q. And was that your understanding as of
01:48:29 23 December 30th of 2014?
01:48:32 24 **A. Yes.**
01:48:32 25 Q. What was the basis for your understanding,

01:48:38 1 what pieces, what documents, or testimony?
01:48:41 2 **A. Right. The information, you know, I gave a**
01:48:44 3 **long presentation yesterday. So it was that**
01:48:46 4 **information.**
01:48:48 5 Q. I want to focus now specifically -- I'm not
01:48:50 6 looking for a full answer on your entire views --
01:48:50 7 **A. Yeah, right.**
01:48:53 8 Q. -- on the case.
01:48:53 9 **A. I appreciate that.**
01:48:54 10 Q. I just want to say, you've testified that you
01:48:57 11 understood as of December 30th, 2014, that Professor
01:49:03 12 Dershowitz had -- was a visitor at the Palm Beach
01:49:04 13 mansion three to five times during this relevant period
01:49:09 14 of 1999 to -- middle of 1999 to the middle of 2002.
01:49:14 15 What was the basis on December 30th of 2014, for just
01:49:20 16 that fact?
01:49:21 17 **A. Right. I mean, I will take about a minute**
01:49:23 18 **here because there are a few things I want --**
01:49:25 19 Q. Okay. And I want to make sure my question is
01:49:28 20 clear.
01:49:28 21 **A. Sure.**
01:49:29 22 Q. I'm not asking you about any of your
01:49:30 23 inferences about anything else. Just, what's the basis
01:49:34 24 for your belief that he visited three to five times
01:49:38 25 during that two-year period?

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01:49:39 1 MR. SCAROLA: Could I ask for a
01:49:40 2 clarification? Are you looking only for direct
01:49:42 3 evidence and you want to exclude the
01:49:44 4 circumstantial evidence? Is that the way you
01:49:45 5 want to --
01:49:46 6 MR. SIMPSON: I'm asking. You can object to
01:49:48 7 the form.
01:49:48 8 BY MR. SIMPSON:
01:49:48 9 Q. My question is: What was -- what were you --
01:49:51 10 what did you have in mind as supporting your conclusion
01:49:57 11 or belief that he -- that Professor Dershowitz visited
01:50:02 12 three to five times during that relevant period?
01:50:04 13 MS. McCAWLEY: And I'm sorry. Can I just
01:50:06 14 place an objection on the record. I'm going to
01:50:07 15 object to the extent that -- so that you do not
01:50:10 16 reveal attorney/client privileged communication,
01:50:12 17 unless it's something that's already public that
01:50:15 18 she's revealed.
01:50:15 19 THE WITNESS: Okay. Right. So I'm going to
01:50:17 20 just exclude -- I take it your question isn't
01:50:19 21 asking about any communications.
01:50:19 22 BY MR. SIMPSON:
01:50:22 23 Q. My question is asking about that, but I
01:50:24 24 understand you're going to refuse to provide it.
01:50:25 25 MS. McCAWLEY: Unless it's already public.

01:50:28 1 THE WITNESS: Okay. So as of December 30th,
01:50:30 2 I'm going to exclude any communications from
01:50:33 3 Virginia Roberts from --
01:50:34 4 MR. SCAROLA: Except to extent that they have
01:50:37 5 already been made public. That is, if she has
01:50:39 6 given express permission to make disclosures,
01:50:43 7 these were not confidential communications, but
01:50:46 8 communications intended to be communicated to
01:50:48 9 third parties, then you are permitted to include
01:50:52 10 information from Virginia Roberts in your
01:50:54 11 response to that extent. And I -- go ahead.
01:51:00 12 THE WITNESS: Okay.
01:51:00 13 BY MR. SIMPSON:
01:51:00 14 Q. As of December --
01:51:01 15 A. **Right.**
01:51:03 16 Q. -- 30th, 2014 --
01:51:06 17 A. **Right.**
01:51:06 18 Q. -- correct? So --
01:51:06 19 A. **Yeah, that's right.**
01:51:07 20 Q. -- any -- any public statements by her after
01:51:10 21 December 30th, 2014 would not be included in the answer.
01:51:14 22 A. **Okay.**
01:51:14 23 MS. McCAWLEY: But let me be clear. Let me
01:51:16 24 be clear about my objection. To the extent that
01:51:18 25 she revealed something to you in a nonprivileged

01:51:23 1 context, in other words, information that was
01:51:25 2 going to be disclosed, not for advice, but
01:51:26 3 factual information that she intended to
01:51:28 4 disclose, that's no -- that's not privileged.
01:51:30 5 But if it's something that she communicated to
01:51:32 6 you in confidence with respect to getting legal
01:51:36 7 advice, then that would be privileged.
01:51:39 8 THE WITNESS: Right. Okay. So Juan Alessi's
01:51:45 9 deposition, Alfredo Rodriguez's deposition, and
01:51:49 10 then considerable circumstantial evidence which
01:51:52 11 we don't have to rehash here involving the close
01:51:55 12 personal association between Epstein and
01:52:00 13 Dershowitz.
01:52:00 14 I mean, again, we can rehash all of that, but
01:52:03 15 those were -- those are -- that's kind of a
01:52:04 16 quick -- because I know you want to get to a lot
01:52:06 17 of questions -- that's a quick sort of highlight
01:52:09 18 film, if you will.
01:52:09 19 BY MR. SIMPSON:
01:52:11 20 Q. Mr. Cassell, isn't it true that Mr. Rodriguez
01:52:14 21 was not hired until several years after the Summer --
01:52:19 22 A. **2004.**
01:52:20 23 Q. Let me ask it again.
01:52:21 24 -- until well after 2002?
01:52:22 25 A. **Yeah, about 2004.**

01:52:23 1 Q. And Mr. Rodriguez would have no personal
01:52:28 2 knowledge of how often Professor Dershowitz visited
01:52:31 3 during a period two years or three years before he was
01:52:34 4 hired; isn't that true?
01:52:35 5 A. **So, look, this is -- this is why I was trying**
01:52:37 6 **to speed up the answer to the question. We have a sex**
01:52:41 7 **trafficking organization that is running a common scheme**
01:52:43 8 **and plan that is continuing on until it was interrupted**
01:52:45 9 **by law enforcement about 2005 and 2006.**
01:52:49 10 **So what the -- the criminal organization is**
01:52:51 11 **doing in 2004, unless I have some significant evidence**
01:52:54 12 **that it's different than what was going on in 2002,**
01:52:58 13 **2001, 2000, 1999, I think it's reasonable to conclude**
01:53:01 14 **that the same sort of criminal activities are going on**
01:53:03 15 **later.**
01:53:04 16 **So if -- if you want -- if you want me to get**
01:53:07 17 **into the -- the full scope of the criminal organization,**
01:53:09 18 **we can get into it. But the fact that somebody in 2004**
01:53:13 19 **sees this going on, leads me to conclude that it's**
01:53:16 20 **probably the same thing going on in the absence of other**
01:53:19 21 **information in 2001.**
01:53:21 22 Q. So from Mr. Rodriguez's testimony about what
01:53:28 23 was going on, so to speak -- and my question related,
01:53:32 24 what was going on the number of times that Professor
01:53:35 25 Dershowitz visited. That's the topic.

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01:53:37 1 A. **Right.**
01:53:37 2 Q. That because he visited, according to
01:53:40 3 Mr. Rodriguez, several times a year in 2004, 2005, he
01:53:45 4 must have visited several times a year in 2000 -- 19- --
01:53:52 5 middle of 1999 to the middle of 2002.
01:53:55 6 A. **I didn't say must have. I said that that's**
01:53:57 7 **going to be evidence of the common scheme and plan, and**
01:53:59 8 **then, in the absence of, you know, some falling out**
01:54:02 9 **between people or somebody becoming, you know, more**
01:54:05 10 **associated or less associated with a criminal**
01:54:07 11 **organization. I mean, if you want to get into the**
01:54:09 12 **circumstantial evidence, in 2003, there's an article on**
01:54:13 13 **which, you know, Dershowitz identifies himself --**
01:54:15 14 Q. Let me interrupt you because I'm asking --
01:54:15 15 A. **Okay.**
01:54:18 16 Q. -- about -- my only question is evidence of
01:54:18 17 how -- not anything, whether engaged in conduct or
01:54:23 18 didn't engage in conduct, just how many times he came
01:54:26 19 during this period.
01:54:26 20 A. **Right.**
01:54:26 21 MR. SCAROLA: Excuse me, counsel. That's the
01:54:28 22 reason why I asked you to clarify whether you
01:54:30 23 want to limit this to direct evidence or whether
01:54:33 24 you want all of the evidence including
01:54:35 25 circumstantial evidence, because as we both know,

01:54:39 1 circumstantial evidence is good evidence. A
01:54:42 2 well-connected chain of circumstance can be --
01:54:45 3 MR. SIMPSON: We really don't need a speech.
01:54:47 4 MR. SCAROLA: -- a well-connected --
01:54:47 5 MR. SIMPSON: We really don't --
01:54:48 6 MR. SCAROLA: -- chain of circumstance may be
01:54:49 7 as compelling proof as direct evidence of a given
01:54:53 8 fact. That's the law.
01:54:55 9 If you don't want --
01:54:57 10 MR. SIMPSON: Really, sir.
01:54:55 11 MR. SCAROLA: -- the circumstantial
01:54:56 12 evidence --
01:54:57 13 MR. SIMPSON: Mr. Scarola --
01:54:57 14 MR. SCAROLA: -- tell us that.
01:54:58 15 MR. SIMPSON: -- please don't make speeches,
01:54:59 16 and please don't coach the witness.
01:55:01 17 MR. SCAROLA: Just tell us that. I'm not
01:55:02 18 coaching the witness. I'm asking you -- you're
01:55:06 19 asking ambiguous questions.
01:55:08 20 MR. SIMPSON: There's nothing ambiguous --
01:55:09 21 MR. SCAROLA: If you want only direct
01:55:10 22 evidence, we will give you only direct evidence.
01:55:13 23 If you want a full and complete answer, it's
01:55:15 24 got to include circumstantial evidence, so don't
01:55:19 25 cut him off when he's giving you that.

01:55:20 1 MR. SIMPSON: Really, objecting to the form
01:55:23 2 of the question preserves all of any problems
01:55:26 3 there may be with the question.
01:55:27 4 MR. SCAROLA: No, sir.
01:55:27 5 MR. SIMPSON: We don't need a speech.
01:55:27 6 MR. SCAROLA: It doesn't. It doesn't.
01:55:27 7 BY MR. SIMPSON:
01:55:32 8 Q. Mr. Cassell, is it your testimony that, from
01:55:37 9 Mr. Rodriguez's testimony about how often he says
01:55:43 10 Professor Dershowitz visited in a 2004/2005 time frame,
01:55:49 11 it's fair to draw an inference about how often he
01:55:52 12 visited in an earlier -- three-year earlier time frame?
01:55:56 13 A. **In the circumstances of this case,**
01:55:59 14 **absolutely.**
01:55:59 15 Q. And would it be fair to infer from the number
01:56:03 16 of times that Donald Trump visited three years later,
01:56:09 17 how often he visited at an earlier period?
01:56:09 18 A. **I did not investigate the circumstances**
01:56:12 19 **involving Trump. He wasn't somebody that was coming up.**
01:56:16 20 Q. Were you aware on December 30th of 2014 that
01:56:25 21 Donald Trump was quoted in Vanity Fair as saying: "I've
01:56:28 22 known Jeff" -- referring to Epstein -- oh, I'm sorry.
01:56:34 23 It was a New Yorker Magazine, not Vanity Fair. That he
01:56:37 24 was quoted as saying: "I've known Jeff" -- referring to
01:56:40 25 Epstein -- "for 15 years. Terrific guy. And he's a lot

01:56:44 1 of fun to be with." It even said that: "He likes
01:56:47 2 beautiful women as much as I do, and many of them are on
01:56:52 3 the younger side. No doubt about it, Jeffrey enjoys the
01:56:56 4 social -- social life"? Were you aware of that on
01:56:57 5 December 30th, 2014?
01:56:58 6 A. **Possibly. I mean that sounds vaguely**
01:57:01 7 **familiar. Trump has just not been somebody that -- that**
01:57:05 8 **I've paid much attention to in this case.**
01:57:07 9 Q. Based on that statement, and the facts we
01:57:14 10 discussed earlier about Mr. Trump visiting and being a
01:57:21 11 friend, and the other circumstances we discussed, are
01:57:24 12 you suspicious about whether he engaged in sexual
01:57:27 13 misconduct with minors?
01:57:29 14 MS. McCAWLEY: I'm going to object to the
01:57:30 15 extent that you can't reveal anything that my
01:57:31 16 client has informed you of.
01:57:33 17 THE WITNESS: Right. If we set aside that
01:57:35 18 information, I'm not -- I'm not suspicious, no,
01:57:39 19 not given the information I have.
01:57:39 20 BY MR. SIMPSON:
01:57:40 21 Q. Okay. So notwithstanding that his name is
01:57:42 22 circled in the address book, he was a good friend, he
01:57:49 23 visited often, and he was quoted as saying that Jeff was
01:57:54 24 a terrific guy who liked young women almost as much as
01:57:58 25 Trump did, you're not even suspicious?

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01:58:01 1 **A. Not -- you know, let's break that down in a**
01:58:05 2 **couple pieces.**
01:58:06 3 **The fact that his name is circled, if I were**
01:58:08 4 **running an FBI investigation, I'd go send somebody to**
01:58:10 5 **see what he knew about it, but no, it would take a lot**
01:58:13 6 **more for me to become suspicious that somebody is**
01:58:16 7 **involved in -- in sexual activity like that.**
01:58:19 8 Q. Okay. So you would agree with me then, that
01:58:21 9 the fact that a person often visited the mansion, the
01:58:24 10 person -- the fact that a person was a friend of
01:58:27 11 Mr. Epstein for 15 years, the fact that the person had
01:58:32 12 stated publicly that: "Mr. Epstein liked young women
01:58:36 13 almost as much as I do myself," and the fact that the
01:58:40 14 name is circled in the address book is not sufficient to
01:58:43 15 raise a suspicion that that person engaged in sexual
01:58:47 16 misconduct?
01:58:47 17 **A. So...**
01:58:48 18 Q. Yes or no. It's a yes or no question.
01:58:51 19 **A. It requires --**
01:58:51 20 MR. SCAROLA: You're not required to answer
01:58:53 21 yes or no, if a yes or no response alone would be
01:58:55 22 misleading.
01:58:56 23 THE WITNESS: The problem is the word
01:58:57 24 "suspicion." I'm not particularly suspicious on
01:58:59 25 those facts, but it -- you know, what do you mean

01:59:03 1 by "suspicion"? If I -- if I were running an FBI
01:59:04 2 investigation and somebody circled a name as --
01:59:06 3 as saying, look, this fellow may have some
01:59:09 4 information, I'd go follow up on that.
01:59:10 5 If you say that's suspicion, then the answer
01:59:13 6 would be, yes. But I -- you know, based on that
01:59:15 7 information alone, no. I mean that -- that
01:59:18 8 wouldn't -- wouldn't be enough for me to, you
01:59:22 9 know, invest time and energy into that particular
01:59:26 10 possibility.
01:59:26 11 BY MR. SIMPSON:
01:59:27 12 Q. Okay. So none of those facts are sufficient
01:59:31 13 even to justify spending time and energy, correct?
01:59:34 14 **A. Unless -- if I'm running -- this is -- again,**
01:59:37 15 **what do you mean by "suspicion"? Time and energy in the**
01:59:42 16 **context of somebody who is running a pro bono case with**
01:59:44 17 **limited resources to try to figure out what the sex**
01:59:47 18 **trafficking ring's going to do, I'm not going to chase**
01:59:49 19 **after that rabbit. It seems farfetched.**
01:59:53 20 **I'm going to focus my efforts on the people**
01:59:53 21 **who appear to be more directly involved.**
01:59:56 22 Q. Okay. So based on the facts that I gave you
01:59:59 23 a moment ago, you think it's farfetched that Donald
02:00:04 24 Trump was engaged in abusing minors?
02:00:07 25 **A. If that's all I had, I would not invest time**

02:00:11 1 **and energy in that, right.**
02:00:12 2 Q. And you referred to your pro bono case. What
02:00:16 3 is your best estimate of how much money you have made
02:00:21 4 representing victims of Jeffrey Epstein?
02:00:24 5 **A. In which case are we talking about now?**
02:00:26 6 Q. Any -- any case representing a victim of
02:00:28 7 Jeffrey Epstein.
02:00:29 8 **A. I need to confer with --**
02:00:33 9 MS. McCAWLEY: Yeah. I'm going to object.
02:00:33 10 BY MR. SIMPSON:
02:00:34 11 Q. And that -- that's a fact -- that's not a
02:00:36 12 privileged question. That's a factual question.
02:00:37 13 **A. Factual. Well, there are -- there are --**
02:00:38 14 Q. Just how much money? You don't have to tell
02:00:41 15 me who the clients are. Just how much money?
02:00:44 16 **A. Okay. I need to --**
02:00:46 17 MR. SIMPSON: There's a question pending. I
02:00:47 18 object to a break. There's no possible
02:00:48 19 privilege.
02:00:48 20 MR. SCAROLA: He has a privilege -- he has a
02:00:50 21 privilege question. He wants to consult with
02:00:51 22 counsel.
02:00:51 23 MR. SIMPSON: Well, really? My question is
02:00:53 24 how much money, and that's privileged?
02:00:55 25 MR. SCAROLA: It may be. I don't know. We

02:00:56 1 need to talk.
02:00:57 2 THE WITNESS: That's why I need to --
02:00:58 3 MR. SCOTT: There's no federal law or state
02:01:01 4 law that supports that financial information and
02:01:02 5 fees is privileged.
02:01:03 6 MS. McCAWLEY: We can argue about that
02:01:05 7 because that's in my motion, so we can argue
02:01:09 8 about that.
02:01:09 9 MR. SIMPSON: Well, can -- can --
02:01:09 10 MR. SCOTT: That one, I know all about.
02:01:10 11 MR. SCAROLA: You're objecting to our taking
02:01:11 12 a break --
02:01:11 13 MR. SIMPSON: I am objecting --
02:01:11 14 MR. SCAROLA: -- while this question is
02:01:13 15 pending?
02:01:13 16 MR. SIMPSON: That's correct.
02:01:14 17 MR. SCAROLA: It is our position that the
02:01:16 18 witness has a legal question about privilege. We
02:01:20 19 are going to take a break. We are going to talk
02:01:22 20 about it. It may turn out that it's not a
02:01:24 21 problem at all. I don't know.
02:01:26 22 THE VIDEOGRAPHER: We are going off the video
02:01:28 23 record, 10:38.
02:01:29 24 MR. SIMPSON: With my note, we are taking a
02:01:32 25 break over my objection.

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02:01:34 1 THE VIDEOGRAPHER: 10:38.
02:01:41 2 (Thereupon, a recess was taken.)
02:15:10 3 THE VIDEOGRAPHER: We are back on the video
02:16:42 4 record, 10:49 a.m.
02:16:42 5 BY MR. SIMPSON:
02:16:44 6 Q. Back on the record. My question,
02:16:46 7 Mr. Cassell, was: What is your best estimate of how
02:16:50 8 much money you have made representing victims of Jeffrey
02:16:56 9 Epstein?
02:16:56 10 **A. In which case are we talking about?**
02:16:58 11 Q. In -- in any case. Combined total.
02:17:01 12 **A. Okay. With regard to the CVRA case, that's**
02:17:04 13 **pro bono, no money there. With regard to the other**
02:17:07 14 **cases, I'd like to answer your question, but due to**
02:17:10 15 **confidentiality obligations that have been imposed upon**
02:17:13 16 **me by Jeffrey Epstein, in the course of negotiating**
02:17:16 17 **those cases, I'm not permitted to answer that question.**
02:17:23 18 MR. SCAROLA: We are certainly willing to
02:17:25 19 respond appropriately to a court order in that
02:17:27 20 regard, but it requires a court order to release
02:17:30 21 us from the contractual confidentiality
02:17:33 22 obligations that we are under.
02:17:33 23 BY MR. SIMPSON:
02:17:36 24 Q. Is it your testimony, Mr. Cassell, that there
02:17:41 25 are confidentiality agreements with Mr. Epstein that

02:17:45 1 preclude you from giving the total amount paid without
02:17:51 2 breaking it down into particular cases?
02:17:53 3 **A. I'm sorry. I didn't understand.**
02:17:54 4 Q. Oh, maybe that wasn't clear. Let me do it
02:17:58 5 this way so we avoid --
02:18:00 6 **A. Yeah.**
02:18:00 7 Q. -- the confidentiality issues.
02:18:01 8 In how many cases have you been counsel for a
02:18:07 9 person suing Mr. Epstein alleging that she was a victim?
02:18:12 10 **A. Counsel of record?**
02:18:14 11 Q. Put it this way. How -- well, start with
02:18:17 12 that, counsel of record.
02:18:18 13 **A. I believe three.**
02:18:19 14 Q. Okay. And in addition to those three, have
02:18:26 15 you assisted other counsel in some way without becoming
02:18:29 16 counsel of record in cases by women suing Mr. Epstein
02:18:36 17 alleging that they had been abused?
02:18:38 18 **A. I believe there's one other case in addition**
02:18:41 19 **to the counsel of record case.**
02:18:42 20 Q. And without telling me --
02:18:44 21 **A. I'd -- I'd have to go double-check my record.**
02:18:46 22 **This is an approximate best recollection.**
02:18:46 23 Q. All right.
02:18:48 24 **A. It's about four.**
02:18:49 25 Q. To the best of your recollection, you were

02:18:51 1 counsel of record in three cases and you were involved
02:18:56 2 in another case -- at least one other case in which you
02:18:58 3 did not appear --
02:18:58 4 **A. That's right.**
02:18:59 5 Q. -- as counsel of record; is that correct?
02:19:00 6 **A. That's -- that's my recollection right now,**
02:19:03 7 **yeah.**
02:19:03 8 Q. All right. How many of those cases have been
02:19:05 9 resolved at this point?
02:19:06 10 **A. All. All -- of the four, I recall all four**
02:19:08 11 **have been resolved.**
02:19:09 12 Q. Okay. Without telling me the amount, did you
02:19:12 13 receive -- all four were settled; is that right?
02:19:15 14 **A. Correct.**
02:19:15 15 Q. Without telling me the amount, is it correct
02:19:21 16 that in all four of those cases, you received a legal
02:19:27 17 fee?
02:19:28 18 **A. I think that starts to call for a question I**
02:19:33 19 **need to consult with my attorney about.**
02:19:36 20 Q. Simply the question of whether in each of
02:19:39 21 them you received a fee?
02:19:40 22 **A. I just want to...**
02:19:42 23 THE WITNESS: Is -- is there any problem --
02:19:42 24 MR. SCAROLA: You can respond to that. You
02:19:43 25 can answer yes or no to that question.

02:19:44 1 THE WITNESS: Yes, I received something.
02:19:45 2 BY MR. SIMPSON:
02:19:48 3 Q. Okay. Was the fee -- and if it's different
02:19:50 4 for the -- the cases, tell me, but was it a contingent
02:19:54 5 fee or some kind of hourly fee?
02:19:56 6 MR. SCAROLA: That -- that does get into
02:19:59 7 attorney/client privileged matters. The terms --
02:20:03 8 MR. SIMPSON: You're instructing him not to
02:20:04 9 answer?
02:20:04 10 MR. SCAROLA: -- the terms of the
02:20:04 11 representation are attorney/client privilege. I
02:20:06 12 instruct him not to answer.
02:20:08 13 MR. SIMPSON: All right.
02:20:09 14 BY MR. SIMPSON:
02:20:10 15 Q. In addition to these four cases that have
02:20:13 16 been resolved, are you representing any other clients
02:20:18 17 who are alleging, in a case seeking monetary damages,
02:20:23 18 that they were abused by Jeffrey Epstein?
02:20:28 19 **A. I --**
02:20:28 20 MS. McCAWLEY: I'm going to object to the
02:20:29 21 extent that this seeks any information related to
02:20:33 22 Virginia Roberts that could be deemed privileged
02:20:35 23 or confidential.
02:20:36 24 THE WITNESS: So what's the...
02:20:36 25

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02:20:36 1 BY MR. SIMPSON:
02:20:38 2 Q. I'm -- I'm trying to close a loop here.
02:20:40 3 A. **Yeah.**
02:20:40 4 Q. I'm asking whether you were involved in any
02:20:44 5 other cases in which claims have been made against
02:20:47 6 Jeffrey Epstein for damages that are still active; they
02:20:52 7 have not been resolved?
02:20:53 8 A. **So we are talking civil cases, unresolved**
02:20:58 9 **civil cases against Jeffrey Epstein right now?**
02:20:59 10 Q. Unresolved cases seeking money from Jeffrey
02:21:02 11 Epstein.
02:21:02 12 MR. SCAROLA: And to the extent that that
02:21:03 13 question calls for matters that are of public
02:21:06 14 record, then, obviously, you can respond.
02:21:08 15 THE WITNESS: Right. Yeah. None.
02:21:09 16 BY MR. SIMPSON:
02:21:10 17 Q. Are there -- and I'm not asking for the name.
02:21:11 18 Are there any not of public record that --
02:21:15 19 A. **What would be a "not"?**
02:21:16 20 Q. Well, if you had made a claim that's not in
02:21:19 21 suit, for example.
02:21:20 22 A. **Oh, against Jeffrey Epstein?**
02:21:21 23 Q. Yes.
02:21:21 24 A. **Yeah. No, I don't -- I don't think there's**
02:21:25 25 **anything. Yeah, no -- no claims against Epstein, right.**

02:21:30 1 Q. And -- and it's true, is it not, that if
02:21:33 2 you're successful in the CVRA case, in setting aside the
02:21:37 3 nonprosecution agreement, you expect to get other
02:21:41 4 clients who will have claims against Jeffrey Epstein?
02:21:45 5 A. **If we -- in civil claims?**
02:21:47 6 Q. Claims for damages, claims for money from
02:21:50 7 Jeffrey Epstein.
02:21:51 8 A. **That -- I mean, that starts to -- if the**
02:21:55 9 **nonprosecution agreement is set aside?**
02:21:58 10 Q. Yes, if you're successful.
02:21:59 11 A. **I haven't really -- that sounds pretty**
02:22:02 12 **speculative. I haven't really thought about the**
02:22:04 13 **civil -- the focus of the CVRA case is criminal. I**
02:22:08 14 **haven't thought about, you know, whether, civil claims**
02:22:11 15 **could somehow arise out of that. I mean, we are talking**
02:22:14 16 **about, you know, events that took place long ago. There**
02:22:18 17 **would be statute of limitations issues, you know.**
02:22:20 18 **Whether they are viable civil claims at this point has**
02:22:24 19 **not been something that I have, you know, given much**
02:22:25 20 **thought to.**
02:22:26 21 Q. So is it your testimony then that you have
02:22:28 22 not thought about the question of whether success in the
02:22:33 23 CVRA case may or result in you obtaining additional
02:22:39 24 clients with claims for money damages against Jeffrey
02:22:41 25 Epstein?

02:22:42 1 A. **Yeah. That hasn't been something that I have**
02:22:44 2 **focused on, no. I mean...**
02:22:46 3 Q. It is -- it is correct, is it not, that you
02:22:49 4 anticipate that if you are successful in setting aside
02:22:53 5 the nonprosecution agreement, that the names of
02:22:58 6 additional victims will become known; didn't you testify
02:23:01 7 to that yesterday?
02:23:03 8 A. **I -- I'm not -- I must be confused here. I**
02:23:07 9 **don't remember.**
02:23:07 10 Q. Well, wait -- I don't want to -- you know,
02:23:09 11 let me ask the question --
02:23:09 12 A. **Yeah.**
02:23:10 13 Q. -- rather than my recollection.
02:23:11 14 A. **Yeah, yeah. That's what I'm not...**
02:23:12 15 Q. My question is: Do you anticipate that if
02:23:15 16 you're successful in setting aside the nonprosecution
02:23:18 17 agreement, that the names of additional victims will
02:23:23 18 become known?
02:23:24 19 A. **Additional Epstein victims at this point?**
02:23:26 20 Q. Yes.
02:23:26 21 A. **Again, it's pretty speculative. The --**
02:23:30 22 **the issue -- you know, the case, you know, the events**
02:23:34 23 **were roughly a decade ago. I mean, we are always hoping**
02:23:38 24 **that there might be somebody additional that would come**
02:23:40 25 **forward, but that hasn't been the focus of the**

02:23:43 1 **litigation.**
02:23:43 2 Q. Whether --
02:23:45 3 A. **And you always hope that there are -- yeah, I**
02:23:48 4 **mean, any time you file a case, ah, I hope some more,**
02:23:50 5 **you know, witnesses will come forward to support that**
02:23:52 6 **case, but that hasn't been the focus, trying to secure**
02:23:55 7 **additional -- additional witnesses. That is a**
02:23:57 8 **possibility, though. I mean, I think in fairness to**
02:24:00 9 **your question, that is a possibility that, you know,**
02:24:02 10 **if -- if the case attracts attention and -- and**
02:24:05 11 **somebody, you know, says, you know, gosh, now that I --**
02:24:09 12 **I -- I -- you know, I moved away to escape Epstein and**
02:24:10 13 **now it's safe for me to come back, or -- or now I**
02:24:13 14 **realize I have a claim, that's always a possibility.**
02:24:15 15 **I certainly wouldn't want to suggest that,**
02:24:17 16 **you know, we are ruling that possibility out.**
02:24:19 17 Q. And for the same reason that additional
02:24:23 18 witnesses might become available -- known, additional
02:24:27 19 clients might become known, correct?
02:24:28 20 A. **That is a theoretical possibility, yes.**
02:24:30 21 Q. In these four cases that you mentioned, the
02:24:34 22 three that were, which you were counsel of record and
02:24:38 23 one in which you were not, did you meet at any time in
02:24:44 24 person with the clients? And if it's different as to
02:24:48 25 some than others, tell me that, but --

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02:24:50 1 A. **Yes.**
02:24:50 2 Q. In all four, you met with the clients?
02:24:52 3 A. **In three of the four.**
02:24:53 4 Q. And were those three the three in which you
02:24:57 5 were counsel of record?
02:24:58 6 A. **Yes.**
02:24:59 7 Q. As of December --
02:25:01 8 A. **I believe I was counsel of record on all**
02:25:03 9 **three of those. I would have to double-check. I know I**
02:25:05 10 **was counsel of record in the federal case. The two of**
02:25:08 11 **them are state cases, I believe, that it was pro hac in**
02:25:11 12 **the state cases.**
02:25:14 13 Q. Okay. I won't ask you the names, but in the
02:25:14 14 four cases, what are the initials of your clients?
02:25:19 15 A. **Okay. So the -- the --**
02:25:20 16 Q. Put it this way: How are they identified in
02:25:22 17 the caption that you filed?
02:25:23 18 A. **Well, also the three that were filed, one**
02:25:26 19 **was -- one was the initials S.R. I referred to**
02:25:28 20 **Miss S.R. yesterday. That was the Jane Doe case in**
02:25:32 21 **Federal Court in front of Judge Marra.**
02:25:34 22 **There were two state claims. I'll -- I'll**
02:25:37 23 **identify the clients as E.W. and L.M.**
02:25:42 24 Q. And then the fourth one?
02:25:44 25 A. **The fourth one, I believe -- the initial M.**

02:25:49 1 **and I believe the last initial was B., but I may be**
02:25:54 2 **wrong about the B. First initial M.**
02:25:56 3 Q. At the -- okay. At the time that you filed
02:26:04 4 the joinder motion --
02:26:05 5 A. **Yes.**
02:26:06 6 Q. -- in the federal case, so December 30th of
02:26:10 7 2014, you knew that naming Prince Andrew would generate
02:26:15 8 substantial publicity, correct?
02:26:18 9 A. **I knew it would attract a lot of attention.**
02:26:23 10 **Yeah, I mean, "substantial" we could debate, but, sure,**
02:26:25 11 **I knew that that was going to -- you know, once you**
02:26:28 12 **start exposing the extent of this criminal activity,**
02:26:33 13 **obviously, there were going to be a lot of people**
02:26:36 14 **interested, yes.**
02:26:36 15 Q. And you also knew that naming Professor
02:26:41 16 Dershowitz would attract publicity?
02:26:46 17 A. **Well, when you say "naming," one of the**
02:26:49 18 **things you've got to understand is the names were**
02:26:50 19 **already in the case, both Prince Andrew and Alan**
02:26:56 20 **Dershowitz. We had pending discovery requests for**
02:26:59 21 **information about both of them. So when you say "naming**
02:27:00 22 **them," you know, they were already named in the case.**
02:27:02 23 **Now, would the additional allegations have**
02:27:05 24 **attracted additional attention? Sure.**
02:27:07 25 Q. Mr. Cassell, it's true, is it not, that the

02:27:10 1 filing on December 30th of 2014, was the first time that
02:27:16 2 you had ever, yes, ever on behalf of Virginia Roberts or
02:27:21 3 any other client, accused Professor Dershowitz or
02:27:25 4 Prince Andrew of sexual abuse in a public filing?
02:27:29 5 A. **If you're talking about direct allegation,**
02:27:31 6 **that's correct.**
02:27:31 7 Q. Had you ever public -- well, at no other time
02:27:39 8 that -- you expected when you filed the pleading on
02:27:41 9 December 30th, 2014, that it would be -- be something of
02:27:45 10 public record that would generate publicity, correct?
02:27:48 11 A. **Public record, the focus was not generating**
02:27:51 12 **publicity. Of course, when you file an allegation like**
02:27:54 13 **that, there certainly would have been -- we would**
02:27:55 14 **anticipate there would have been publicity, absolutely.**
02:27:58 15 Q. And before December 30th of 2014, to the best
02:28:03 16 of your knowledge, neither you, nor anyone else, had
02:28:08 17 told Professor Dershowitz that there were allegations
02:28:12 18 that he personally had engaged in sexual misconduct?
02:28:12 19 A. **Um...**
02:28:19 20 MS. McCAWLEY: I'm going to object to that
02:28:20 21 date if that reveals anything that would be
02:28:21 22 privileged between something that would have been
02:28:24 23 communicated by the client.
02:28:25 24 MR. SIMPSON: No. These are communications
02:28:27 25 to Professor Dershowitz.

02:28:29 1 MR. SCAROLA: Yes. And that could very well
02:28:31 2 include attorney/client privileged
02:28:33 3 communications.
02:28:36 4 MR. SIMPSON: Let me -- I'll ask my question.
02:28:37 5 BY MR. SIMPSON:
02:28:38 6 Q. My question is: Did you ever advise
02:28:45 7 Professor Dershowitz that there were allegations that he
02:28:50 8 had engaged, himself, in sexual misconduct with minors?
02:28:56 9 A. **Not me personally, no.**
02:28:57 10 Q. Are you aware of any e-mail, letter, other
02:29:04 11 communication from anybody that went to Professor
02:29:09 12 Dershowitz that told Professor Dershowitz that he had
02:29:12 13 been accused of engaging in misconduct himself?
02:29:17 14 A. **Well, there -- I mean, I'm aware that there**
02:29:19 15 **was a deposition request in 2009. There was a**
02:29:22 16 **deposition request in 2011. That was accompanied by an**
02:29:27 17 **exchange of correspondence that said, for example,**
02:29:29 18 **numerous witnesses have placed you in the presence of**
02:29:31 19 **Jeffrey Epstein and underaged girls. It didn't then go**
02:29:35 20 **on to say, and you were committing sexual abuse of them,**
02:29:38 21 **but it said numerous witnesses had -- had done that.**
02:29:42 22 **And I think a reasonable inference would be**
02:29:43 23 **that, you know, you're verily sure that a witness and**
02:29:47 24 **then that also raises the possibility of -- well, I**
02:29:49 25 **mean, I think Professor Dershowitz mentioned yesterday,**

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02:29:51 1 **that if you're in the presence of a convicted sex**
02:29:54 2 **offender, or a sex offender and sex abuse is going on,**
02:29:57 3 **you would have obligations, for example, at a minimum to**
02:30:00 4 **report that, and it raises the possibility of other**
02:30:02 5 **criminal activity as well.**
02:30:04 6 **Q.** Is it your testimony, Mr. Cassell, that
02:30:07 7 telling a person that multiple people have identified
02:30:15 8 you as a witness to some activity is fair notice that
02:30:20 9 you, yourself, are accused of engaging in criminal
02:30:25 10 misconduct?
02:30:26 11 **A. So -- so you, I think, recharacterized the**
02:30:29 12 **letter that went to Mr. Dershowitz in 2011. The letter,**
02:30:32 13 **as I recall, doesn't say he is a witness. It says, if I**
02:30:35 14 **recall -- we can double-check the language -- but I**
02:30:38 15 **believe the language says: Numerous witnesses have**
02:30:42 16 **placed you in the presence of Jeffrey Epstein, underaged**
02:30:45 17 **girls, and Epstein. Then, you know, so at that point,**
02:30:48 18 **given what we know in this case, given that at that**
02:30:52 19 **point in 2011, there had been an ongoing set of**
02:30:55 20 **allegations against Mr. Epstein, I -- I think your**
02:30:59 21 **question doesn't -- doesn't take into account this**
02:31:03 22 **surrounding context.**
02:31:04 23 **Not to mention the fact there had been a 2009**
02:31:07 24 **deposition request and a 2013 document request.**
02:31:12 25 **Q.** Okay. I think you accurately characterized

02:31:15 1 the communication about the deposition request that
02:31:20 2 multiple persons have placed you in the presence --
02:31:23 3 **A. Right.**
02:31:23 4 **Q.** -- of minors --
02:31:25 5 **A. Right.**
02:31:26 6 **Q.** -- correct?
02:31:27 7 **A. I believe that's my recollection. Numerous**
02:31:29 8 **witnesses have placed you in the presence of sex**
02:31:33 9 **offend -- at that point, convicted sex offender Jeffrey**
02:31:35 10 **Epstein, who was convicted of sexually abusing underaged**
02:31:38 11 **girls, and underaged girls, and those are the subjects**
02:31:42 12 **we would like to question you about.**
02:31:43 13 **And rather than getting a response that says,**
02:31:46 14 **well, let me clear that all up, the response that's**
02:31:48 15 **received was, something along the lines of, give me more**
02:31:51 16 **information and -- and, quote: I'll decide whether I**
02:31:54 17 **want to cooperate, close quote, or something along those**
02:31:57 18 **lines.**
02:31:57 19 **Q.** Mr. Cassell, let me -- I'm going to read to
02:31:59 20 you --
02:31:59 21 **A. Good.**
02:31:59 22 **Q.** -- from the letter itself --
02:31:59 23 **A. Okay.**
02:32:02 24 **Q.** -- and tell me if it's consistent with your
02:32:03 25 recollection.

02:32:03 1 MR. SIMPSON: I'm sorry. You were right,
02:32:08 2 yes.
02:32:08 3 MR. SCAROLA: Can you just show it to him?
02:32:09 4 MR. SIMPSON: I'll read it, and then if he
02:32:11 5 wants to look at it, that will be fine.
02:32:12 6 MR. SCAROLA: Thank you.
02:32:13 7 BY MR. SIMPSON:
02:32:14 8 **Q.** This is a letter from Mr. Scarola to
02:32:15 9 Mr. Dershowitz dated August 23rd, 2011. The second
02:32:23 10 sentence says -- well, I'm going to read the whole
02:32:26 11 thing.
02:32:26 12 MR. SCAROLA: Yeah, thank you.
13 BY MR. SIMPSON:
14 **Q.** "We do not" --
15 MR. SCAROLA: It's short, so it would be
16 helpful if you just read the whole thing.
17 BY MR. SIMPSON:
18 **Q.** Yeah.
02:32:28 19 "We do not intend to inquire about any
02:32:31 20 privileged communications or attorney work
02:32:33 21 product. We do, however, have reason to believe
02:32:37 22 that you have personally observed Jeffrey Epstein
02:32:41 23 in the presence of underaged females, and we
02:32:44 24 would like the opportunity to question you under
02:32:47 25 oath about those observations. Thank you for

02:32:51 1 your anticipated cooperation. Signed, Jack
02:32:53 2 Scarola."
02:32:54 3 If you would like to --
02:32:54 4 **A. Sure.**
02:32:55 5 **Q.** -- take a look at the letter to refresh
02:32:57 6 yourself, you're welcome to.
02:33:00 7 **A. Great. Thanks. Okay.**
02:33:06 8 **Q.** Now, first, you're aware, are you not, that
02:33:09 9 Professor Dershowitz answered that letter and said the
02:33:12 10 assertion that he had observed Mr. Epstein in the
02:33:15 11 presence of underage --
02:33:22 12 MR. SCAROLA: Females.
02:33:22 13 BY MR. SIMPSON:
02:33:23 14 **Q.** -- females was not true?
02:33:24 15 **A. Something along those lines, yeah.**
02:33:28 16 **Q.** Yeah. And I will read it from that letter --
02:33:29 17 **A. Okay. That would be good. Yeah, that would**
02:33:31 18 **be great.**
02:33:33 19 **Q.** And "I have never" -- this is a letter from
02:33:33 20 Mr. Dershowitz to Mr. Scarola, August 29th, 2011.
02:33:38 21 "Dear Mr. Scarola, I have never personally
02:33:41 22 observed Jeffrey Epstein in the presence of
02:33:43 23 underaged females. I do not believe you have any
02:33:46 24 reasonable basis for believing that I have. If
02:33:49 25 you have -- if you claim to have reason to

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02:33:52 1 believe, please provide me with any such reason.
02:33:55 2 I am certain I can demonstrate to you that it is
02:33:58 3 false."
02:33:59 4 Is that consistent with your recollection of
02:34:01 5 the response?
02:34:01 6 **A. That sounds about right, yeah.**
02:34:03 7 Q. So Mr. Dershowitz did not ignore the letter;
02:34:04 8 he responded to it, correct?
02:34:06 9 **A. I think that's right.**
02:34:07 10 Q. And go back to the first letter.
02:34:10 11 **A. But, now, if we are -- if we're talking**
02:34:11 12 **about -- yeah, there's that one letter and now there's a**
02:34:14 13 **response letter, right.**
02:34:14 14 Q. My question to you is: Does the statement to
02:34:21 15 a person that "we have reason to believe that you have
02:34:26 16 personally observed another person in the presence of
02:34:31 17 underage females and we would like to ask you about your
02:34:35 18 observations," put the recipient on notice that you,
02:34:41 19 yourself, are accused of criminal conduct in abusing
02:34:45 20 minors?
02:34:46 21 **A. Well, it puts you on notice that you're a**
02:34:49 22 **potential, obviously, witness to this and then therefore**
02:34:51 23 **you could have potential involvement.**
02:34:53 24 **Let me give you a simple illustration. It'll**
02:34:55 25 **take about 20 seconds. If somebody says --**

02:34:56 1 Q. Well, let me back up. My first question,
02:34:57 2 though, if you can answer the question.
02:34:58 3 MR. SCAROLA: No. I'm sorry. The witness is
02:35:00 4 entitled to complete his response. If you
02:35:01 5 don't -- if you believe it to be unresponsive,
02:35:03 6 you can move to strike it, but he's entitled to
02:35:06 7 complete it.
02:35:06 8 MR. SIMPSON: He --
02:35:06 9 MR. SCAROLA: So go ahead and complete your
02:35:08 10 response.
02:35:08 11 MR. SIMPSON: Can we have a -- you can give
02:35:09 12 an explanation, but a yes or no with an
02:35:10 13 explanation.
02:35:11 14 MR. SCAROLA: You already got that. Could we
02:35:12 15 now have the completion of the response?
02:35:14 16 THE WITNESS: Here's the simple illustration
02:35:16 17 I think makes it pretty clear: If somebody says,
02:35:17 18 we have observed you in the presence of a kilo of
02:35:20 19 cocaine, we would like to question you about the
02:35:23 20 presence -- about your observations of this, that
02:35:26 21 doesn't directly state that you are a drug user
02:35:27 22 or a drug dealer, but it certainly puts you on
02:35:29 23 notice that you're associated with that criminal
02:35:31 24 activity and somebody is going to question you
02:35:31 25 about it.

02:35:33 1 In the context of this case, to say, you have
02:35:35 2 been observed in the -- in -- by numerous
02:35:37 3 witnesses in the presence of a convicted sex
02:35:41 4 offender and underage girls, and we would like to
02:35:45 5 talk to you about those observations, I think
02:35:45 6 that puts you on notice that you're in -- in --
02:35:49 7 in jeopardy of -- of criminal activity,
02:35:52 8 particularly when you combine that with the fact
02:35:54 9 that there is a duty to report child abuse in
02:35:57 10 many states in this country, including the State
02:35:57 11 of Florida.
02:35:59 12 And so that if those observations were such
02:36:02 13 that they would give rise to a reasonable
02:36:05 14 inference that sex abuse was -- of children was
02:36:08 15 going on and you'd be obligated to report it, as
02:36:09 16 I think Mr. Dershowitz conceded yesterday, yes,
02:36:12 17 you -- I think that puts you on notice that --
02:36:14 18 that those kinds of things are being alleged.
02:36:16 19 BY MR. SIMPSON:
02:36:18 20 Q. So, first, the letter itself, the letter from
02:36:22 21 Mr. Scarola simply says, you were -- you were personally
02:36:29 22 -- you personally observed Jeffrey Epstein in the
02:36:31 23 presence of underaged females, correct?
02:36:33 24 **A. Correct.**
02:36:33 25 Q. It does not say, you witnessed abuse of any

02:36:37 1 minor; we have reason to believe you observed abuse of
02:36:39 2 minors?
02:36:39 3 **A. If those words do not appear there, but come**
02:36:41 4 **on, we -- we know -- we know in the context of this**
02:36:44 5 **case, when somebody is asking to take a deposition about**
02:36:47 6 **your observation of young girls, they weren't talking**
02:36:50 7 **about preparations for birthday parties. They were**
02:36:52 8 **talking about sexual abuse of children.**
02:36:56 9 **And that was what Mr. Dershowitz was going to**
02:36:59 10 **be asked about. And he did not -- he did not take that**
02:37:02 11 **opportunity to try to clear the record; instead, we are,**
02:37:05 12 **you know, here today, because among other reasons, he --**
02:37:09 13 **he -- he wasn't deposed then.**
02:37:12 14 Q. I want -- I want to comment. I'm just a
02:37:18 15 little bit non -- nonplussed, so I want to come back to
02:37:21 16 this again.
02:37:21 17 **A. Well, I'm -- I have to tell you, I'm a little**
02:37:23 18 **bit nonplussed that somebody would say that letter**
02:37:24 19 **doesn't put you on notice that you're potentially**
02:37:27 20 **involved in criminal activity. I mean, come on.**
02:37:30 21 Q. I -- my question wasn't potentially involved
02:37:33 22 in criminal activity. We disagree about whether it does
02:37:36 23 that.
02:37:37 24 **A. Okay. I think it does.**
02:37:38 25 Q. I suspect you -- that's how you read it?

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02:37:40 1 A. I think it puts you on notice in the context
02:37:42 2 of a country which has required people to report the
02:37:45 3 sexual abuse of children, and somebody wants to talk to
02:37:49 4 you about your observations of a convicted sex offender
02:37:52 5 with underage girls, that that's going to be one of the
02:37:56 6 subjects that's going to be discussed, yes.
02:37:56 7 Q. My question was -- my initial question was:
02:38:01 8 Does -- do the statements in this letter put the reader
02:38:05 9 on notice that you, personally, are accused of abusing
02:38:14 10 minors yourself, not that you have in some knowledge or
02:38:19 11 evidence that someone else did it, but that you,
02:38:22 12 yourself, did it; is that a way to give fair notice?
02:38:26 13 A. Well, in fair notice in what context? You
02:38:30 14 know, is he on notice that a lawsuit is going to be
02:38:31 15 filed the next day?
02:38:32 16 Simply from that piece of -- that letter
02:38:34 17 alone, they are on notice, you know -- I mean, I think
02:38:37 18 that puts you on notice that there are serious
02:38:41 19 allegations afoot and it would be in your best interest
02:38:43 20 if you hadn't done anything, to show up, attend a
02:38:46 21 deposition, let all the facts come out so that everybody
02:38:48 22 can know them.
02:38:49 23 Q. Would you agree that accusing someone of
02:38:54 24 themselves abusing a minor is different than accusing
02:39:00 25 someone of having knowledge that somebody else did it?

02:39:03 1 A. Yes.
02:39:04 2 Q. And to accuse someone of abusing a minor is a
02:39:09 3 serious, serious accusation of criminal conduct,
02:39:14 4 personal criminal conduct, not just failing to report
02:39:17 5 somebody else, but you, yourself, are abusing people?
02:39:21 6 A. Oh, yeah.
02:39:21 7 MR. SCAROLA: Are you suggesting that that's
02:39:23 8 not criminal conduct?
02:39:25 9 MR. SIMPSON: I'm -- I'm -- my question
02:39:26 10 stands.
02:39:26 11 BY MR. SIMPSON:
02:39:26 12 Q. What is the answer to that?
02:39:27 13 A. It is a very serious charge, I agree. That's
02:39:30 14 why we are all here today.
02:39:30 15 Q. Okay. And -- and if you wanted to put
02:39:32 16 someone on fair notice that they are accused themselves
02:39:36 17 of being a sex offender, a criminal who has abused
02:39:41 18 children, wouldn't you tell them that?
02:39:43 19 A. That's a speculative question because that
02:39:46 20 letter was designed to try to collect information about
02:39:48 21 an international sex trafficking organization. And so
02:39:52 22 as to -- you know, I'm not going to speculate as to why
02:39:55 23 Mr. Scarola wrote it that way. But my sense, based on
02:39:58 24 the public record is, that he was trying to get as much
02:40:01 25 information as he could about what Jeffrey Epstein and

02:40:03 1 his criminal associates were doing. And he thought that
02:40:05 2 Mr. Dershowitz would have information and was trying to
02:40:07 3 collect that.
02:40:08 4 Now, whether the -- the -- the tentacles of
02:40:10 5 the organization would extend so that they wrapped
02:40:13 6 around Mr. Dershowitz himself, I guess was the subject
02:40:16 7 that -- that Mr. Scarola, I am assuming, was hoping to
02:40:18 8 explore. But Mr. Dershowitz prevented that opportunity.
02:40:22 9 Q. And Mr. Dershowitz, you knew, had been
02:40:26 10 Mr. Epstein's attorney, correct?
02:40:27 11 A. Correct.
02:40:28 12 Q. And you knew, just as we have seen here today
02:40:32 13 with multiple assertions of privilege, that he could not
02:40:36 14 testify about anything he learned as an attorney?
02:40:37 15 A. He could testify, and the letter itself says,
02:40:40 16 we are not going to ask you about any communications; we
02:40:43 17 are going to ask you about observations of sex abuse by
02:40:47 18 a convicted sex offender, and your personal knowledge of
02:40:50 19 that. That would not have erased in the -- and
02:40:52 20 Mr. Scarola's a very good attorney, and I'm sure all of
02:40:55 21 his questions that we saw the last couple of days would
02:40:58 22 have been very narrowly focused on observations about
02:41:01 23 what this criminal organization was doing.
02:41:05 24 Q. And so to the bottom line is that your view,
02:41:08 25 your sworn testimony, this letter of August 23rd, 2011,

02:41:16 1 put Mr. Dershowitz, Professor Dershowitz, on fair notice
02:41:21 2 that he was being accused of being a sex offender
02:41:25 3 himself?
02:41:26 4 A. We -- we have gone over this. I think it put
02:41:28 5 him on fair notice that there were serious questions
02:41:31 6 being raised about what he knew about this criminal
02:41:35 7 organization, what the potential criminal responsibility
02:41:36 8 he had for failure to report sexual abuse of a child, as
02:41:39 9 well as other possibilities.
02:41:42 10 MR. SIMPSON: I'm going to move to strike as
02:41:43 11 nonresponsive.
02:41:43 12 BY MR. SIMPSON:
02:41:44 13 Q. My question is a very narrow one, whether
02:41:47 14 this letter, in your opinion, under oath, fairly put
02:41:53 15 Mr. -- Professor Dershowitz on notice that he himself
02:41:58 16 was accused of abusing minors.
02:42:02 17 A. Again, that's a vague question. I've tried
02:42:04 18 to give the best answer I can. That was certainly a
02:42:06 19 potential area of questioning. I think that puts him on
02:42:09 20 notice that it would have been in his best interest to
02:42:12 21 appear to answer those questions.
02:42:14 22 MR. SIMPSON: I'm going to object to the
02:42:16 23 answer again as nonresponsive.
02:42:16 24 BY MR. SIMPSON:
02:42:18 25 Q. It's a really simple question.

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02:42:20 1 Does that letter put Mr. Dershowitz on fair
02:42:23 2 notice that he's accused of being a sex offender
02:42:26 3 himself?
02:42:27 4 MR. SCAROLA: Objection. Repetitious. To
02:42:28 5 the extent that you can improve upon the answer,
02:42:32 6 you can improve upon the answer. If you can't,
02:42:35 7 all you need to do is say that.
02:42:37 8 THE WITNESS: I -- and I'll try to --
02:42:38 9 obviously, I want to be responsive --
02:42:38 10 BY MR. SIMPSON:
02:42:38 11 Q. Let -- let me ask --
02:42:40 12 A. **-- to your question.**
02:42:40 13 Q. I'll ask you a different question.
02:42:41 14 A. **I don't think that's a yes or no question**
02:42:43 15 **because of -- of you're including vague terms like fair**
02:42:46 16 **notice and -- and those sorts of things. So -- but go**
02:42:49 17 **ahead and ask your questions and I'll -- I mean, go**
02:42:55 18 **ahead.**
02:42:55 19 Q. You're a former federal judge?
02:42:55 20 A. **Right.**
02:42:56 21 Q. A former Supreme Court law -- law clerk?
02:42:58 22 A. **Yes.**
02:42:59 23 Q. Professor at a law school?
02:43:02 24 A. **Yes.**
02:43:03 25 Q. Reading as -- reading the language of this

02:43:09 1 letter, in your opinion, does the language itself put
02:43:18 2 the recipient on notice that the recipient is accused of
02:43:23 3 abusing minors himself?
02:43:27 4 A. **It puts him on notice that that is going to**
02:43:29 5 **be a potential subject of inquiry at the -- at the --**
02:43:33 6 **the deposition.**
02:43:34 7 Q. So your answer then is, yes, it puts the --
02:43:37 8 the -- the person on notice; that's your reading?
02:43:40 9 A. **You're -- I think you're putting words in my**
02:43:42 10 **mouth. You're -- you're trying to ask, you know, a**
02:43:44 11 **question that on the one hand, you're suggesting is**
02:43:47 12 **narrow, and on the other hand is broad. It -- I mean,**
02:43:50 13 **this is probably the simplest way to answer that**
02:43:50 14 **question.**
02:43:51 15 **If I had gotten that letter, I would have**
02:43:52 16 **said, schedule the deposition in the next 24 hours, and**
02:43:55 17 **come on down here now, and I will be available for a**
02:43:58 18 **week. That's what I would have said if I had gotten**
02:44:01 19 **that letter.**
02:44:02 20 MR. SIMPSON: Move to strike as
02:44:03 21 nonresponsive.
02:44:03 22 BY MR. SIMPSON:
02:44:06 23 Q. Is it your testimony you can't answer yes or
02:44:09 24 no whether that letter, on its face, puts the recipient
02:44:12 25 on notice that the recipient is accused himself of

02:44:17 1 having abused minors? Can you answer that: Yes or no?
02:44:21 2 A. **No. I think a yes-or-no answer would be**
02:44:24 3 **misleading, given the context of this case.**
02:44:27 4 Q. You referred in your earlier testimony to --
02:44:44 5 strike that for a moment.
02:44:46 6 You referred in your earlier testimony to an
02:45:04 7 article that appeared today regarding
02:45:09 8 Professor Dershowitz's deposition testimony, correct?
02:45:11 9 A. **I don't think so.**
02:45:13 10 Q. Okay. Are you aware that -- well, perhaps it
02:45:17 11 was Miss McCawley who referred to it.
02:45:19 12 Do you recall there being a reference this
02:45:21 13 morning to an article being published about
02:45:24 14 Professor Dershowitz's testimony?
02:45:26 15 MS. McCAWLEY: Oh, I'm sorry. It was me. I
02:45:28 16 objected to the extent -- only to the extent it
02:45:30 17 revealed something public that had been stated in
02:45:33 18 public.
02:45:33 19 BY MR. SIMPSON:
02:45:34 20 Q. Okay. And I -- you recall that?
02:45:36 21 A. **Yeah, I recall the objection. I think**
02:45:37 22 **there's an article that came out yesterday or a**
02:45:39 23 **communication. I -- I -- you know, I can't remember**
02:45:42 24 **the -- exactly where I -- I know that I received a**
02:45:45 25 **communication, either through publication or in some**

02:45:47 1 **other way from the -- from the -- you know, I became**
02:45:51 2 **aware that there was a statement that the -- what's the**
02:45:55 3 **name of the outfit? It's the Business Investor --**
02:45:57 4 MR. SCAROLA: Daily Business Review.
02:45:58 5 THE WITNESS: Daily Business Review that was
02:46:01 6 stating that David Boies was saying that the
02:46:04 7 representations made by Mr. Dershowitz were
02:46:08 8 false.
02:46:08 9 MR. SCAROLA: I did just coach the witness.
02:46:09 10 I apologize.
02:46:10 11 THE WITNESS: Yeah. And, I'm sorry, just for
02:46:12 12 the name of that, so...
02:46:12 13 BY MR. SIMPSON:
02:46:13 14 Q. And you -- in your earlier testimony, you
02:46:14 15 referred to it -- you didn't recall the name, but you
02:46:17 16 referred to it as a reputable --
02:46:18 17 A. **That's right.**
02:46:19 18 Q. -- publication?
02:46:21 19 A. **That's right. That's the one we are talking**
02:46:21 20 **about, right.**
02:46:21 21 Q. Right. And in that article it states:
02:46:31 22 "McCawley," referring to our colleague,
02:46:32 23 "later issued a statement on Boies's behalf
02:46:35 24 saying, because the discussions that Mr. Boies
02:46:37 25 had with Mr. Dershowitz were expressly privileged

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02:46:40 1 settlement discussions, Mr. Boies will not, at
02:46:43 2 least at this time, describe what was actually
02:46:46 3 said. However, Mr. Boies does state that
02:46:50 4 Mr. Dershowitz's description of what was said is
02:46:54 5 not true."
02:46:55 6 **A. That's the one.**
02:46:55 7 Q. You read that?
02:46:56 8 **A. Yeah. I -- I learned of it -- yeah, I don't**
02:46:58 9 **remember whether I read or how I got it, but yeah,**
02:47:00 10 **that's the one.**
02:47:00 11 Q. In light of that statement by Mr. Boies,
02:47:03 12 would you agree that any privilege has been waived?
02:47:05 13 **A. I would not.**
02:47:06 14 Q. So --
02:47:07 15 **A. That's -- that's a newspaper article.**
02:47:08 16 Q. It's a pub -- it's a quote. Let me clarify.
02:47:12 17 That's a statement -- quoting a statement issued by
02:47:16 18 Ms. McCawley and quoting Mr. Boies as saying,
02:47:20 19 Mr. Dershowitz's description of what was said is not
02:47:23 20 true, so that's a public statement by Mr. Boies saying
02:47:26 21 that Mr. Dershowitz's testimony is not true; is that a
02:47:29 22 waiver in your view?
02:47:30 23 **A. No. And that would require -- I'm with --**
02:47:32 24 **I'm just putting you on notice, talking about notice, if**
02:47:35 25 **you want me to, I could give you the law professor**

02:47:39 1 **answer as to why that's not a waiver. Off the top of my**
02:47:41 2 **head, I can start talking about that.**
02:47:43 3 Q. No. I don't -- I don't need that.
02:47:44 4 **A. Right. That's why I just wanted to let you**
02:47:46 5 **know, so...**
02:47:46 6 Q. But I really wanted to clarify -- and what I
02:47:49 7 wanted to clarify was --
02:47:49 8 **A. I do not -- let me just be clear, so the**
02:47:51 9 **record is clear: I absolutely do not believe that's a**
02:47:52 10 **waiver and I could give you an extended answer, but I**
02:47:55 11 **know time is drawing short --**
02:47:55 12 Q. All right.
02:47:56 13 **A. -- so...**
02:47:56 14 Q. But you -- what I want to clarify is that,
02:48:00 15 notwithstanding that statement, you will continue to
02:48:02 16 answer all my questions about the substance of
02:48:05 17 discussions with Mr. Boies; you're continuing not to
02:48:08 18 answer, you're continuing --
02:48:10 19 MS. McCAWLEY: Yes --
02:48:10 20 MR. SCAROLA: You just said you --
02:48:10 21 MS. McCAWLEY: -- I believe --
02:48:11 22 MR. SCAROLA: -- continue to answer.
02:48:11 23 MS. McCAWLEY: I'm sorry.
02:48:11 24 MR. SIMPSON: I'm sorry.
02:48:12 25 MS. McCAWLEY: Continue not to answer.

02:48:13 1 MR. SCAROLA: Why don't you start over again?
02:48:15 2 MR. SIMPSON: No. I just want --
02:48:15 3 MS. McCAWLEY: We disagree with
02:48:16 4 your characterization of that as a waiver. It
02:48:19 5 was a statement that was issued in order to stop
02:48:22 6 the waivers that Mr. Dershowitz was trying to
02:48:22 7 engage in, and we -- we don't agree that's a
02:48:25 8 waiver and we will not allow any testimony
02:48:27 9 regarding those communications.
02:48:28 10 MR. SIMPSON: Okay. I disagree with the
02:48:31 11 position and the characterization, but I just
02:48:33 12 wanted to clarify on the record, I didn't have to
02:48:35 13 ask those questions again.
02:48:35 14 MR. SCAROLA: Sure.
02:48:38 15 MS. McCAWLEY: I understand.
02:48:38 16 MR. SIMPSON: And, obviously, our position is
02:48:39 17 that if it hadn't already been -- if it hadn't
02:48:41 18 already been waived -- either it wasn't
02:48:43 19 privileged or hadn't been waived, it's now
02:48:47 20 waived.
02:48:47 21 THE WITNESS: And my -- just --
02:48:50 22 MR. SIMPSON: I don't have a question.
02:48:51 23 THE WITNESS: I know, but I -- but I think
02:48:52 24 now in light of, since the record has these
02:48:53 25 characters, I just want to put one sentence into

02:48:57 1 the record, which is: It doesn't seem to me that
02:48:58 2 an attorney can inject into a deposition
02:49:01 3 confidential settlement proceedings, have
02:49:03 4 somebody deny that, and then say, aha, they're no
02:49:05 5 longer confidential settlement proceedings, so
02:49:05 6 that's --
02:49:08 7 MR. SIMPSON: There's no question pending. I
02:49:10 8 move to strike the comments.
02:49:12 9 THE WITNESS: Right. I just didn't want your
02:49:14 10 comments to -- to reflect back on my earlier
02:49:15 11 answer.
02:49:15 12 BY MR. SIMPSON:
02:49:18 13 Q. I want to go back, Mr. Cassell, get back to
02:49:23 14 yesterday's exhibits. I'm going to hand you what was
02:49:26 15 marked yesterday as Cassell Exhibit Number 2, which is
02:49:30 16 the joinder motion, and when you have that in front of
02:49:36 17 you --
02:49:36 18 **A. Got it.**
02:49:37 19 Q. Do you have that in front of you?
02:49:38 20 **A. I do.**
02:49:39 21 Q. All right. Would you -- find my copy of
02:49:42 22 it -- if you would turn to page -- bottom of page 3,
02:49:50 23 part of -- top of page 4; do you have that?
02:49:52 24 **A. Got it.**
02:49:53 25 Q. All right. I'm going to read it. Tell me if

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02:49:55 1 I've read it correctly.
02:49:56 2 **A. Okay.**
02:49:56 3 Q. "Epstein also sexually trafficked the
02:49:59 4 then-minor Jane Doe" -- and that's Virginia Roberts,
02:50:02 5 correct?
02:50:02 6 **A. Yes.**
02:50:03 7 Q. -- "making her available for sex to
02:50:05 8 politically-connected and financially-powerful people.
02:50:09 9 Epstein's purposes in lending Jane Doe, along with other
02:50:14 10 young girls, to such powerful people were to ingratiate
02:50:20 11 himself with them for business, personal, political, and
02:50:24 12 financial gain, as well as to obtain potential blackmail
02:50:29 13 information."
02:50:30 14 Did I read that correctly?
02:50:31 15 **A. You did.**
02:50:31 16 Q. What did you mean by "obtain potential
02:50:35 17 blackmail information"?
02:50:36 18 **A. Okay. Let me just double-check.**
02:50:41 19 **Once the criminal organization had put the**
02:50:45 20 **bait out, so to speak, to various people, and they took**
02:50:49 21 **the bait that -- you know, I'm -- I'm speaking**
02:50:49 22 **colloquially here. These are -- these are young girls**
02:50:54 23 **who are being sexually abused. Once the criminal**
02:50:56 24 **organization had gotten people to sexually abuse**
02:50:58 25 **these -- these young girls, at that point, they had**

02:51:01 1 **information that they could use to blackmail those**
02:51:02 2 **people and -- and then get favors in exchange.**
02:51:05 3 **And that's Epstein at the head of the**
02:51:08 4 **organization would be the one who would benefit most**
02:51:11 5 **directly from the black -- the blackmail information.**
02:51:12 6 Q. And by "blackmail information," do you mean
02:51:17 7 that Mr. Epstein then had information that he could
02:51:19 8 threaten to disclose if the other person didn't do what
02:51:24 9 Epstein asked them to do?
02:51:24 10 **A. Precisely.**
02:51:26 11 Q. As of December 30th, 2014, if Miss Roberts
02:51:32 12 had access to publicity, she had exactly the same
02:51:36 13 ability to blackmail people; isn't that true?
02:51:38 14 **A. Absolutely not. A billionaire has far more**
02:51:43 15 **resources than a victim of child sex abuse, particularly**
02:51:46 16 **one that has been forced into hiding in Australia to**
02:51:49 17 **escape the criminal organization.**
02:51:51 18 **So for you to suggest that Virginia Roberts**
02:51:52 19 **had the same ability to blackmail somebody as Jeffrey**
02:51:56 20 **Epstein is, I think, preposterous.**
02:52:00 21 Q. As of -- Miss -- Miss Roberts had the same
02:52:03 22 ability as Jeffrey Epstein to reveal publicly the names
02:52:12 23 of the people who she says sexually abused her, as did
02:52:17 24 Mr. Epstein; isn't that true?
02:52:19 25 **A. You're talking about physical ability to**

02:52:21 1 **speak words. They both have the same physical ability**
02:52:24 2 **to speak the English language, yes.**
02:52:25 3 Q. And, in fact, before, at least three years
02:52:31 4 before December 30th, 2014, she had the ability to be
02:52:35 5 quoted in an article, more than one article, in the
02:52:39 6 Daily Mail in London about her experiences, correct?
02:52:42 7 **A. That's correct.**
02:52:43 8 Q. And am I correct that as of December 30th,
02:52:48 9 2014, you didn't know whether she was paid for that
02:52:50 10 interview or not?
02:52:51 11 **A. I wasn't sure. That's right.**
02:52:53 12 Q. And after December 30th, 2014, the references
02:52:58 13 to Prince Andrew and Professor Dershowitz generated
02:53:04 14 international publicity; isn't that true?
02:53:07 15 **A. Okay. Which -- yes, I mean, in a general**
02:53:11 16 **sense, I could ask which allegations, but these**
02:53:13 17 **allegations did generate publicity, certainly.**
02:53:16 18 Q. Yes. The allegations in your joinder motion
02:53:18 19 that Prince Andrew and Professor Dershowitz had abused
02:53:24 20 Virginia Roberts, then known as Jane Doe Number 3,
02:53:26 21 generated a firestorm of publicity; did it not?
02:53:30 22 **A. It generated a lot of publicity, yes.**
02:53:32 23 Q. And within days of that, you were -- you were
02:53:35 24 participating in attempting to arrange an interview with
02:53:38 25 ABC News; isn't that true?

02:53:39 1 **A. That -- within days of -- the chronology is**
02:53:43 2 **important here: The allegations were filed in this**
02:53:45 3 **pleading on December 30th. Several days after that,**
02:53:48 4 **Mr. Dershowitz then took to the airwaves to denounce,**
02:53:53 5 **not only Brad and me, but -- but particularly of concern**
02:53:56 6 **to me was Virginia Roberts, this victim of sex**
02:53:58 7 **trafficking.**
02:53:59 8 **And, at that point, as one of -- as one of**
02:54:01 9 **her attorneys, I was looking for a way to respond to**
02:54:05 10 **that media assault on her by Mr. Dershowitz.**
02:54:09 11 MR. SIMPSON: Move to strike as
02:54:09 12 nonresponsive.
02:54:09 13 BY MR. SIMPSON:
02:54:15 14 Q. Did -- within 24 hours of this pleading being
02:54:22 15 filed, there was publicity about the allegations against
02:54:27 16 Prince Andrew and Mr. Dershowitz -- Professor
02:54:31 17 Dershowitz; isn't that correct?
02:54:32 18 **A. I don't know the exact time frame, but**
02:54:34 19 **that -- you know, roughly that time frame sounds about**
02:54:36 20 **right.**
02:54:36 21 Q. If Mr. -- if Professor Dershowitz had never
02:54:39 22 said anything, wouldn't you expect that these
02:54:42 23 allegations as to Prince Andrew, in particular, and
02:54:47 24 Professor Dershowitz would get substantial publicity?
02:54:50 25 **A. There was -- there was --**

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02:54:51 1 MR. SCAROLA: Excuse me. To the extent the
02:54:53 2 question calls for speculation, I object.
02:54:55 3 MR. SIMPSON: No. I'm asking for his state
02:54:57 4 of mind when he filed this document.
02:54:59 5 THE WITNESS: There's no doubt that --
02:54:59 6 MR. SCAROLA: So the question is: At the
02:55:01 7 time of the filing --
02:55:02 8 MR. SIMPSON: Please -- please don't coach
02:55:03 9 the witness.
02:55:03 10 MR. SCAROLA: No, I'm not coaching him. I
02:55:05 11 just want to understand the question. You're
02:55:06 12 asking what his state of mind was at the time of
02:55:09 13 filing?
02:55:09 14 MR. SIMPSON: Did he -- did he anticipate --
02:55:09 15 MR. SCAROLA: Because the other question was:
02:55:11 16 What do you -- what's your position today.
02:55:13 17 MR. SIMPSON: Mr. Scarola, really.
02:55:14 18 MR. SCAROLA: That's -- that's a different
02:55:15 19 question. So I just want to know which one
02:55:17 20 you're asking.
02:55:18 21 Do you want to know his state of mind then,
02:55:21 22 or his state of mind today?
02:55:23 23 MR. SIMPSON: I will take that as an
02:55:25 24 objection to the form of the question.
02:55:25 25

02:55:25 1 BY MR. SIMPSON:
02:55:27 2 Q. As of --
02:55:27 3 MR. SCAROLA: It's a request for a
02:55:28 4 clarification of an ambiguous question.
02:55:33 5 MR. SIMPSON: It's coaching the witness.
02:55:33 6 BY MR. SIMPSON:
02:55:34 7 Q. As of --
02:55:34 8 **A. Yeah, I don't need any coaching. I mean...**
02:55:35 9 Q. Let me ask the question.
02:55:36 10 As of December 30th -- that's true -- as
02:55:39 11 of --
02:55:39 12 **A. Right --**
02:55:39 13 Q. -- we agree that's coaching.
02:55:39 14 **A. -- but that wasn't coaching. That wasn't**
02:55:41 15 **coaching, so the suggestion that it's coaching is -- is**
02:55:43 16 **not fair.**
02:55:43 17 Q. Okay. We disagree.
02:55:46 18 As of December 30th, 2014, did you anticipate
02:55:52 19 that naming Prince Andrew in a public filing as having
02:55:58 20 abused Virginia Roberts would generate substantial
02:56:02 21 publicity?
02:56:03 22 **A. "Substantial" is a debatable word, but**
02:56:06 23 **certainly, it's going to generate publicity, yes.**
02:56:10 24 **Publicity about the allegations.**
02:56:12 25 Q. Yes. And -- and the allegations are that

02:56:15 1 Prince Andrew had sexually abused Virginia Roberts,
02:56:19 2 correct?
02:56:19 3 **A. That was one of the allegations in here,**
02:56:21 4 **sure.**
02:56:21 5 Q. And the allegations that Professor Dershowitz
02:56:25 6 had sexually abused Virginia Roberts, correct?
02:56:31 7 **A. That's right. It was in a -- what we were --**
02:56:32 8 **what we were starting to document and allege here was**
02:56:35 9 **that terrible things that Epstein's criminal**
02:56:39 10 **organization had done.**
02:56:39 11 Q. Let me refer you to page 6 --
02:56:42 12 **A. Okay.**
02:56:42 13 Q. -- of your filing. It's the first full
02:56:48 14 paragraph.
02:56:48 15 **A. Yep.**
02:56:49 16 Q. I'm going to read it. "Epstein also
02:56:51 17 trafficked Jane Doe Number 3 for sexual purposes to many
02:56:56 18 other powerful men."
02:56:57 19 **A. Okay.**
02:56:57 20 Q. "Including numerous prominent American
02:57:00 21 politicians, powerful business executives, foreign
02:57:05 22 presidents, a well-known prime minister, and other world
02:57:10 23 leaders. Jane -- Epstein required Jane Doe Number 3 to
02:57:15 24 describe the events that she had with these men so that
02:57:18 25 he could potentially blackmail them."

02:57:20 1 Did I read that correctly?
02:57:21 2 **A. You did.**
02:57:22 3 Q. With respect to blackmail, the ability to
02:57:28 4 blackmail, is that the same potential we talked about a
02:57:30 5 moment ago in your testimony?
02:57:32 6 **A. Sure.**
02:57:32 7 Q. And you're referring there to --
02:57:34 8 **A. Roughly, yeah. I mean, if there's something**
02:57:35 9 **that you want clarified, go ahead and clarify it.**
02:57:37 10 Q. I just -- I just wanted to make sure I
02:57:39 11 understand correctly that when you refer that -- to
02:57:42 12 Epstein requiring Virginia Roberts to describe these
02:57:44 13 events so that he could potentially blackmail them, what
02:57:48 14 you had in mind was, Epstein wanted to know what
02:57:52 15 Virginia Roberts did with these men so that he had the
02:57:55 16 ability to threaten to disclose it if they didn't do
02:57:58 17 what he wanted them to do?
02:57:59 18 **A. That was -- that was part of it, yes.**
02:58:01 19 Q. And isn't it true you could have
02:58:04 20 accomplished -- in terms of furthering Virginia
02:58:07 21 Roberts's legal interests, you could have accomplished
02:58:10 22 exactly the same thing by saying Epstein also
02:58:14 23 trafficked -- trafficked Jane Doe Number 3 for sexual
02:58:18 24 purposes to other well-known men, period?
02:58:24 25 **A. No, I don't think so.**

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02:58:26 1 Q. Okay. You felt that it furthered her legal
02:58:30 2 interests to specify American politicians, powerful
02:58:34 3 business executives, foreign presidents, a well-known
02:58:38 4 prime minister and other world leaders; that was your --
02:58:42 5 you -- you believe that furthered her legal interest?
02:58:43 6 **A. Yes.**
02:58:43 7 Q. Did you also anticipate that that would
02:58:47 8 titillate the Press, so to speak, that there would be a
02:58:49 9 lot of speculation on who these people are?
02:58:52 10 **A. That wasn't the -- that wasn't the focus**
02:58:54 11 **of the -- those comments, no.**
02:58:55 12 Q. You said it wasn't the focus. Did you
02:58:57 13 realize it would happen?
02:58:58 14 **A. Sure. I mean, this was a case that had**
02:59:02 15 **been already -- this litigation had been going on at**
02:59:02 16 **that point for seven years and lots of people were**
02:59:04 17 **following it. This is -- this case is one of the most**
02:59:07 18 **egregious examples of a violation of Crime Victims'**
02:59:11 19 **Rights in the history of this country.**
02:59:13 20 **And so against that context, yes, there were**
02:59:14 21 **going to be people interested in every word that was**
02:59:16 22 **going into this pleading. Whether we had gone more**
02:59:19 23 **broadly or more narrowly than what we did, people were**
02:59:23 24 **going to be interested in this.**
02:59:23 25 Q. And as of December 30th of 2014, Miss Roberts

02:59:31 1 had the same ability to disclose who these individuals
02:59:34 2 were publicly, as did Jeffrey Epstein, correct, because
02:59:38 3 she had personal knowledge of who they were?
02:59:40 4 **A. She had the ability to speak the words, but,**
02:59:42 5 **again, I think it's preposterous to say that a victim of**
02:59:45 6 **sex trafficking has the same power as the sex trafficker**
02:59:48 7 **to disclose information.**
02:59:51 8 **For example, Virginia Roberts could be**
02:59:52 9 **attacked, and I think as we were talking about**
02:59:54 10 **yesterday, we have seen evidence of the kind of attack**
02:59:57 11 **that powerful people can mount against the victims of**
03:00:01 12 **sex trafficking. So to say that the young women in sex**
03:00:04 13 **trafficking schemes have the same power as their**
03:00:07 14 **traffickers to do this -- I'm sorry. I'm going to have**
03:00:11 15 **to take a break.**
03:00:12 16 THE VIDEOGRAPHER: We are going off the video
03:00:14 17 record, 11:32 a.m.
03:04:14 18 (Thereupon, a recess was taken.)
03:04:14 19 THE VIDEOGRAPHER: We are back on the video
03:04:20 20 record, 11:36 a.m.
03:04:24 21 BY MR. SIMPSON:
03:04:27 22 Q. Had you finished your answer, Mr. Cassell?
03:04:28 23 **A. I think I had.**
03:04:28 24 Q. Okay.
03:04:29 25 **A. Thank you. Thank you for letting me take a**

03:04:31 1 **break. I appreciate that.**
03:04:32 2 Q. Okay.
03:04:32 3 MR. SCAROLA: Could you just read back the
03:04:34 4 last question for me? I just want to orient
03:04:37 5 myself as to where we are. Thank you.
03:04:37 6 (Thereupon, a portion of the record was read
03:05:33 7 by the reporter.)
03:05:33 8 MR. SCAROLA: Yeah, I didn't I think the
03:05:34 9 answer was --
03:05:34 10 THE WITNESS: I guess I was mid-sentence, so
03:05:36 11 think I will just stick with the same word,
03:05:38 12 preposterous. And one -- one thing that occurred
03:05:39 13 to me during the break, in the context of this
03:05:42 14 case, is that there had been allegations that
03:05:44 15 Epstein was part of the -- the sex trafficking
03:05:47 16 organization, had video cameras mounted
03:05:49 17 throughout many of his -- his mansions. And so,
03:05:52 18 whereas a young woman could say, or a young girl
03:05:55 19 could say, look, I was a victim of sex abuse,
03:05:58 20 people would attack her; people wouldn't believe
03:06:00 21 her, that unless she had, you know, corroborating
03:06:02 22 evidence, people would say, well, look, it didn't
03:06:05 23 happen.
03:06:05 24 And so Epstein had managed to collect
03:06:08 25 apparently a lot of videotapes and other kinds of

03:06:11 1 information that would have been -- given him the
03:06:14 2 ability to make the blackmail kinds of charges
03:06:15 3 that the girls that he was trafficking would --
03:06:18 4 would not have had the ability to do.
03:06:18 5 BY MR. SIMPSON:
03:06:20 6 Q. Mr. Cassell, didn't you testify yesterday
03:06:22 7 that any videotapes from Mr. Epstein's house had been
03:06:27 8 destroyed?
03:06:28 9 **A. I -- when I used the word "destroyed," I**
03:06:30 10 **probably should have been more precise. They had been**
03:06:32 11 **concealed from law enforcement, is what I meant. That**
03:06:35 12 **when Palm Beach Police Department went up to the Epstein**
03:06:37 13 **mansion, they found surveillance cameras and other**
03:06:41 14 **cameras. I can't remember exactly where the cameras**
03:06:44 15 **were, but they found surveillance cameras, and when they**
03:06:46 16 **looked for the tapes associated with those cameras, I**
03:06:50 17 **used the word "destroyed"; and as I say, I probably**
03:06:50 18 **should have said they were missing. And so they were**
03:06:52 19 **never able to locate those -- those missing videotapes.**
03:06:55 20 Q. So as of December 30th of 2014, to your
03:07:01 21 knowledge, there were no videotapes available?
03:07:03 22 **A. There were no videotapes available to law**
03:07:06 23 **enforcement or to Brad and his pro bono crime victim**
03:07:09 24 **attorneys to help document our case. We were trying to**
03:07:12 25 **get those and we are continuing to try to get those,**

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03:07:13 1 **but, obviously, Epstein and his criminal associates have**
03:07:18 2 **had the ability to -- to destroy the evidence that's**
03:07:21 3 **been -- that we have been trying to gather.**
03:07:23 4 **Q.** And in -- in your answer a couple of
03:07:26 5 questions --
03:07:27 6 **A. I -- I'm sorry. I shouldn't say "destroyed."**
03:07:28 7 **They have been able to conceal would probably be a more**
03:07:30 8 **accurate term, the -- the evidence that we are trying to**
03:07:33 9 **gather.**
03:07:33 10 **Q.** In my answer -- in my answer --
03:07:33 11 **A. Yeah.**
03:07:36 12 **Q.** -- in the question and answer, your answer to
03:07:38 13 my question a couple of questions ago, you talked about
03:07:42 14 whether Mr. Epstein and Virginia Roberts would have the
03:07:46 15 same or equal ability to disclose --
03:07:49 16 **A. Right.**
03:07:49 17 **Q.** -- what these prominent politicians,
03:07:53 18 et cetera, had done, correct?
03:07:54 19 **A. Correct.**
03:07:55 20 **Q.** Without attempting to make any comparison,
03:07:59 21 you would agree, would you not, that as of December
03:08:01 22 30th, 2014, Miss Roberts had the ability to name the
03:08:07 23 names of the people who are referenced in this document?
03:08:10 24 **A. Physical ability, yes.**
03:08:11 25 **Q.** And -- well, let me ask this: You say a

03:08:17 1 well-known prime minister. Is that Prime Minister
03:08:22 2 Barak?
03:08:22 3 MS. McCAWLEY: I'm gonna instruct you not to
03:08:25 4 reveal any attorney/client communications you had
03:08:26 5 with Virginia Roberts on the specifics of her
03:08:29 6 counsel to you about these individuals.
03:08:31 7 BY MR. SIMPSON:
03:08:32 8 **Q.** Is one of the other -- one of the powerful
03:08:34 9 business executives, Les Wexner?
03:08:37 10 MS. McCAWLEY: Again, same instruction.
03:08:40 11 BY MR. SIMPSON:
03:08:41 12 **Q.** Okay. Now, you mentioned yesterday -- well,
03:08:49 13 a moment ago, you testified that these -- in your view,
03:08:51 14 these allegations about other powerful men furthered
03:08:58 15 Miss Roberts' legal position in the case, correct?
03:09:02 16 **A. Yes.**
03:09:02 17 **Q.** And it's also your position, I assume, that
03:09:10 18 the allegations regarding Professor Dershowitz and
03:09:14 19 Prince Andrew furthered Miss Roberts' legal position; is
03:09:21 20 that right?
03:09:21 21 **A. Absolutely.**
03:09:21 22 **Q.** Does the fact that Judge Marra struck those
03:09:24 23 allegations as impertinent, scandalous, and completely
03:09:30 24 irrelevant to the case, cause you to reassess?
03:09:32 25 MR. SCAROLA: Excuse me. Is that -- is that

03:09:34 1 intended to be a direct quote?
03:09:36 2 MR. SIMPSON: Back up.
03:09:37 3 BY MR. SIMPSON:
03:09:39 4 **Q.** What is your understanding of Judge Marra's
03:09:41 5 ruling with respect to these allegations about Professor
03:09:45 6 Dershowitz and Prince Andrew?
03:09:46 7 **A. That they were premature.**
03:09:48 8 **Q.** That's your understanding of his order?
03:09:50 9 **A. Yes.**
03:09:50 10 **Q.** Okay.
03:09:54 11 **A. And I -- maybe I should -- I see some**
03:09:58 12 **skepticism there, so let me explain why I think those**
03:10:00 13 **allegations --**
03:10:01 14 **Q.** Yeah. Well, we can pull --
03:10:01 15 **A. -- are appropriate.**
03:10:01 16 **Q.** -- we will pull out the order itself --
03:10:01 17 **A. Sure.**
03:10:05 18 **Q.** -- at the appropriate time, but first, your
03:10:05 19 understanding is that the judge didn't find that those
03:10:09 20 allegations, at the time they were made, were so
03:10:13 21 irrelevant to the case, that they should be stricken
03:10:15 22 from the public record?
03:10:17 23 **A. In that pleading at that time, remember, we**
03:10:20 24 **had in our -- our brief -- let me explain the -- the**
03:10:24 25 **nine reasons why we thought that those allegations were**

03:10:27 1 **relevant to the case, since I think your question calls**
03:10:28 2 **for that.**
03:10:29 3 **Q.** Are those the nine reasons you gave
03:10:31 4 yesterday?
03:10:31 5 **A. No, I didn't have a chance to.**
03:10:32 6 **Q.** Are they the nine reasons that are set forth
03:10:34 7 in your -- in your brief?
03:10:35 8 **A. They are. Those are the nine reasons that**
03:10:37 9 **are set forth in the brief.**
03:10:38 10 **Q.** Okay. And -- and Judge Marra had that brief
03:10:41 11 in front of him when he held that, these allegations
03:10:45 12 were so not relevant to the issues before the court,
03:10:48 13 that they would be stricken and not part of the public
03:10:52 14 record?
03:10:52 15 **A. At that time, in that particular pleading --**
03:10:55 16 **I think you're mischaracterizing Judge Marra's ruling in**
03:11:00 17 **its entirety. He specifically said that the allegations**
03:11:01 18 **could be reasserted, if they were relevant to issues**
03:11:04 19 **that are -- that were coming up. And so, in following**
03:11:07 20 **that ruling, we went to the U.S. Attorney's Office,**
03:11:10 21 **propounded discovery requests and said, look, we believe**
03:11:13 22 **you're sitting on information that Dershowitz was, you**
03:11:16 23 **know, connected with the -- with the criminal**
03:11:17 24 **trafficking here; we would like you to produce those**
03:11:19 25 **documents.**

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03:11:20 1 And rather than say, hey, we don't have any
03:11:22 2 such documents, the U.S. Attorney's Office gave us the
03:11:26 3 response indicating, to our view, that there were such
03:11:27 4 documents, and as you know, since you're one of
03:11:29 5 Mr. Dershowitz's attorneys, we have drafted a pleading
03:11:32 6 now to try and collect that information, that law
03:11:36 7 enforce -- federal law enforcement agencies have
03:11:39 8 collected, and -- and to figure out the appropriate way
03:11:42 9 to litigate that so that we can get that information and
03:11:44 10 move forward with the case.
03:11:46 11 That's just one example of -- of how the
03:11:49 12 allegations, if they were premature at that point, are
03:11:53 13 no longer going to be premature as the case moves along.
03:11:57 14 Q. Is it or is it not your understanding that
03:12:01 15 Judge Marra ruled that the allegations in this pleading
03:12:08 16 in front of you were so irrelevant to the pleading in
03:12:14 17 which they were stated, that they should be stricken
03:12:17 18 from the public record?
03:12:18 19 A. In that particular pleading at that
03:12:20 20 particular time, that's right.
03:12:21 21 Q. Does that cause you to reassess, in any way,
03:12:24 22 having filed this document?
03:12:25 23 A. Well, I think certainly as a tactical matter,
03:12:28 24 we should have reserved the -- the allegations for --
03:12:31 25 for another motion. I -- I think that's -- you know,

03:12:34 1 certainly, with the -- you're -- now, we are now sort of
03:12:38 2 speculating, would we have done something different if
03:12:39 3 we knew that? And the answer to that is, sure, we would
03:12:41 4 have tried to do something that Judge Marra thought was
03:12:44 5 the appropriate way to handle it, so...
03:12:46 6 Q. And Judge Marra also reminded counsel of
03:12:49 7 their Rule 11 obligations; didn't he?
03:12:51 8 A. That's right. Yeah.
03:12:52 9 Q. And did it cause you to question, not
03:12:57 10 tactics, but whether you were acting properly in filing
03:13:00 11 this?
03:13:00 12 MR. SCAROLA: Excuse me. I --
03:13:02 13 MR. SIMPSON: I'm just asking if it caused
03:13:03 14 him to reassess.
03:13:04 15 MR. SCAROLA: I understand what you're
03:13:05 16 asking, and you're asking him about his mental
03:13:07 17 processes in connection with pending litigation.
03:13:12 18 That's work product. I instruct you not to
03:13:13 19 answer that question.
03:13:14 20 BY MR. SIMPSON:
03:13:15 21 Q. All right. You testified yesterday that one
03:13:19 22 reason that you found the filing of the complaint on
03:13:27 23 behalf of Jane Doe 102, who is Virginia Roberts, by
03:13:34 24 the -- Bob Josefsberg and -- and why that was
03:13:37 25 significant was that Bob Josefsberg had been selected by

03:13:41 1 the United States Attorney for the Southern District of
03:13:45 2 Florida to represent victims, correct?
03:13:48 3 A. Yes. Through the -- through the NPA, yeah,
03:13:51 4 there was an apparatus that led to his selection.
03:13:54 5 Q. And does that answer reflect holding the U.S.
03:14:01 6 Attorney for the Southern District of Florida in that
03:14:03 7 office in high regard?
03:14:04 8 A. Sure.
03:14:05 9 Q. Do you contend that at the time the United
03:14:11 10 States Attorney for the Southern District of Florida
03:14:14 11 negotiated the NPA, they knew that Professor Dershowitz,
03:14:20 12 himself, had been involved in abuse of minors?
03:14:25 13 A. I don't know exactly what information they
03:14:27 14 had. I do know that we have been propounding discovery
03:14:30 15 requests on all of these subjects, including
03:14:32 16 Professor Dershowitz's involvement, when the U.S.
03:14:35 17 Attorney knew. They are asserting privilege over that.
03:14:37 18 I would wish they would waive the privilege or at least
03:14:39 19 provide the information to pro bono crime victims'
03:14:43 20 attorneys that they have, so we can get to the bottom of
03:14:45 21 this.
03:14:45 22 But there have been, you know, a nonstop
03:14:47 23 series of assertions of privilege and other barriers
03:14:49 24 interposed against us in this case, and I think
03:14:53 25 inappropriately so, and -- and we have been arguing that

03:14:55 1 now for a number of years.
03:14:56 2 Q. Would you agree with me that if the United
03:15:00 3 States Attorney's Office had been aware that Professor
03:15:04 4 Dershowitz had engaged in sexual misconduct with minors,
03:15:07 5 or himself had observed Mr. Epstein do so, that it would
03:15:12 6 have been improper and unethical for them to let Mr. --
03:15:17 7 Professor Dershowitz negotiate the terms of the NPA with
03:15:19 8 them?
03:15:19 9 A. If they had direct personal knowledge of
03:15:21 10 that, sure. I mean, the -- the -- but the realities are
03:15:23 11 a little bit more complicated in that Professor
03:15:26 12 Dershowitz, over the last couple of days as
03:15:27 13 frequently -- has frequently used the word "continuum,"
03:15:29 14 and so if they were certain of that, it absolutely would
03:15:31 15 have -- would have been unethical.
03:15:33 16 The question is: Well, what if they had a
03:15:35 17 suspicion or what if -- you know, a reasonable suspicion
03:15:36 18 or a possible suspicion. Those are the kinds of
03:15:39 19 dimensions that you've got to, you know, take into
03:15:42 20 account in the real world about, you know, what they --
03:15:44 21 what they would have done.
03:15:50 22 I mean, it seems pretty clear, for example,
03:15:52 23 that at some point, you know, later on, they got a black
03:15:55 24 book in which Professor Dershowitz's name had been
03:15:58 25 circled. Now, what they did with that information, I --

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03:16:00 1 **I don't know.**
03:16:00 2 **Q.** And what they did with the fact that Courtney
03:16:04 3 Love and Donald Trump were circled, you don't know also,
03:16:06 4 correct?
03:16:06 5 **A. That's right. Fair point.**
03:16:07 6 **Q.** But somehow it's suspicious as to
03:16:10 7 Mr. Dershowitz, but not as to anyone else?
03:16:12 8 MR. SCAROLA: Objection. Argumentative.
03:16:12 9 THE WITNESS: And I'm -- I'm glad to argue on
03:16:14 10 that point, let me, because they --
03:16:14 11 MR. SIMPSON: I'll withdraw the question.
03:16:15 12 THE WITNESS: All right. Because I would
03:16:16 13 have a --
03:16:16 14 MR. SIMPSON: Let --
03:16:17 15 THE WITNESS: -- a substantial argument on
03:16:18 16 that.
03:16:20 17 MR. SIMPSON: I -- I will withdraw the
03:16:20 18 question.
03:16:20 19 BY MR. SIMPSON:
03:16:28 20 **Q.** With respect, again, to the --
03:16:30 21 MR. SCAROLA: And I'll withdraw the
03:16:32 22 objection.
03:16:32 23 MR. SIMPSON: Thank you.
03:16:33 24 BY MR. SIMPSON:
03:16:36 25 **Q.** At the time that you filed this joinder

03:16:40 1 motion, Exhibit 2, you knew that the United States
03:16:44 2 Attorney's Office had denied having any contact -- any
03:16:48 3 documents reflecting any contact with Prince Andrew;
03:16:51 4 isn't that true?
03:16:51 5 **A. They had -- there were -- there were various**
03:16:56 6 **discovery requests that had been propounded, and I think**
03:16:59 7 **with regard to one, they had denied, and my recollection**
03:17:01 8 **is with regard to another, where there had been an**
03:17:04 9 **assertion of privilege.**
03:17:07 10 **Q.** Is it not true, that before December 30th,
03:17:09 11 2014, in response to a request asking the government:
03:17:15 12 Are there any documents reflecting contact with -- by
03:17:20 13 Prince Andrew regarding the NPA, the government
03:17:24 14 represented, there were none?
03:17:26 15 **A. That -- with regard to the -- you're talking**
03:17:30 16 **about RFPs, request for production of documents, I**
03:17:32 17 **believe that's -- I believe that's correct.**
03:17:33 18 **Q.** And on December 30th, 2014, knowing that, you
03:17:38 19 named Prince Andrew in this motion, correct?
03:17:40 20 **A. Correct.**
03:17:41 21 **Q.** And is it your testimony that you believe
03:17:46 22 that Prince Andrew somehow attempted to influence the
03:17:52 23 negotiations of an NPA in the United States as to
03:17:56 24 Mr. Epstein?
03:17:57 25 **A. I don't have direct evidence of that, but I**

03:17:59 1 **certainly believe I have a good-faith basis, along with**
03:18:02 2 **my co-counsel, to explore that subject, and try to see**
03:18:04 3 **how someone who is fifth in line to the British Throne**
03:18:07 4 **might have been able to use the contacts and power that**
03:18:09 5 **he has to influence a -- a -- a disposition in this --**
03:18:15 6 **in the Crime Victims' Rights Act case that it would have**
03:18:19 7 **been favorable to one of his friends and potentially**
03:18:23 8 **favorable to himself.**
03:18:23 9 **Q.** And -- and you have that view,
03:18:25 10 notwithstanding that the government had represented they
03:18:27 11 have no record of that?
03:18:30 12 **A. They didn't -- no, no, no, no. Let's not --**
03:18:31 13 **not -- let's not slip and try to get me to admit**
03:18:34 14 **something that is not what the record reflects. The**
03:18:36 15 **government said they did not have documents. They did**
03:18:38 16 **not say that they didn't have any information along**
03:18:40 17 **those lines.**
03:18:41 18 **To the contrary: They asserted a whole**
03:18:43 19 **series of privileges every time we tried to get**
03:18:47 20 **information along these lines. So the fact that they**
03:18:49 21 **didn't have a letter, signed Prince Andrew, saying,**
03:18:51 22 **please do the best you can for this convicted sex**
03:18:54 23 **offender is one thing. That's the request for**
03:18:56 24 **production of documents.**
03:18:57 25 **But they never said that they -- they -- that**

03:19:00 1 **something along these lines had never happened and, to**
03:19:03 2 **the contrary, we were faced with assertions of privilege**
03:19:07 3 **over roughly, if I remember correctly, about 10,000**
03:19:08 4 **pages of documents where a whole host of privileges were**
03:19:11 5 **being asserted.**
03:19:12 6 **Q.** Do you think it's credible that the United
03:19:16 7 States Attorney's Office would be discussing an NPA with
03:19:20 8 a member of the British Royal Family?
03:19:22 9 **A. Not directly, but there certainly are**
03:19:24 10 **possibilities of surrogates. I -- my -- somebody who is**
03:19:27 11 **that powerful certainly wouldn't go out at it directly.**
03:19:29 12 **What they would probably do is try to find the best**
03:19:32 13 **lawyers they could around the United States and -- and,**
03:19:33 14 **you know, and some of the, you know, big-named lawyers**
03:19:36 15 **and try to bring them in there to -- to work a deal.**
03:19:38 16 **That's, I think, how, you know, we're -- you're**
03:19:42 17 **asking -- your question is asking for speculation and**
03:19:42 18 **I'm saying that -- that based on, how would you**
03:19:46 19 **influence a deal in an American criminal justice system?**
03:19:49 20 **You go try to get the best defense lawyers you could and**
03:19:52 21 **see -- you know -- you know, figure out which political**
03:19:54 22 **party was in power; and try to get people who are**
03:19:58 23 **well-connected to that political party, things like**
03:19:58 24 **that.**
03:19:59 25 **So that's the way that I think somebody might**

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03:20:01 1 **have gone about trying to -- to put pressure for a -- a**
03:20:04 2 **favorable plea deal.**
03:20:06 3 **Q.** And that's what you just referred to as
03:20:08 4 speculation, correct?
03:20:09 5 **A. Well, your question said: Well, how would**
03:20:10 6 **they go do this? And I -- I -- I gave you my answer as**
03:20:14 7 **to how I think somebody could well do that, yes.**
03:20:16 8 **Q.** And -- and your pleading doesn't allege how
03:20:22 9 someone would do it; it alleges that they did it; isn't
03:20:26 10 that correct?
03:20:27 11 **A. Did what?**
03:20:27 12 **Q.** Let me -- let me rephrase it.
03:20:29 13 **A. No. I -- I -- the --**
03:20:30 14 **Q.** I -- I withdraw the question.
03:20:30 15 **A. Yeah.**
03:20:36 16 **Q.** We only have about ten minutes here. There
03:20:38 17 are a couple of things that I --
03:20:38 18 **A. Sure. Absolutely.**
03:20:41 19 **Q.** -- wanted to get before we -- we will come
03:20:41 20 back to these when we resume. We have a lot more
03:20:43 21 questions.
03:20:44 22 **A. Great. I look forward to it.**
03:20:46 23 MR. SIMPSON: I'm going to ask the reporter
03:20:48 24 to mark as Exhibit -- what are we up to -- 6,
03:20:55 25 Exhibit 6, a document bearing Bates stamp numbers

03:21:01 1 BE-510 through -514.
03:21:01 2 (Cassell's I.D. Exhibit No. 6 - series of
03:21:01 3 e-mails, Bates numbered BE-510 - -514 was marked for
03:21:18 4 identification.)
03:21:18 5 BY MR. SIMPSON:
03:21:19 6 **Q.** I will give that to the witness. And to
03:21:30 7 identify the document further, it's a series of e-mails,
03:21:36 8 the most -- the latest one in date being at the top,
03:21:40 9 which appears to be an e-mail from Paul Cassell to
03:21:44 10 Jacqueline S. Jesko on Sunday, January 4th, 2015 at
03:21:49 11 12:48 p.m.
03:21:51 12 **A. Right.**
03:21:51 13 **Q.** My first question is whether you, in fact,
03:21:57 14 sent this e-mail that -- that this -- had this exchange
03:22:02 15 of e-mails with Miss Jesco?
03:22:04 16 **A. Yes.**
03:22:04 17 **Q.** And Miss Jesko -- who is Miss Jesko?
03:22:08 18 **A. She works for -- which -- which -- oh,**
03:22:13 19 **Nightline. She works for Nightline, yes.**
03:22:15 20 **Q.** So she's with ABC News?
03:22:17 21 **A. I believe that's right, yes.**
03:22:19 22 **Q.** And --
03:22:19 23 **A. I mean, I -- I can't remember. The network**
03:22:22 24 **wasn't significant to me, but she's with the Nightline**
03:22:25 25 **program. I knew that was a major program. I don't**

03:22:27 1 **know -- I can't recall sitting here today whether**
03:22:29 2 **Nightline, is that an ABC program or NBC or -- or some**
03:22:35 3 **other network.**
03:22:35 4 **Q.** If you look at the exhibit, the e-mail in the
03:22:39 5 second -- the bottom half of the first page, it has her
03:22:42 6 e-mail address. Does that -- @abc.com?
03:22:45 7 **A. Yeah, yeah, yeah. That's good. Thank you.**
03:22:48 8 **Q.** So ABC. So in this e-mail on January 4th of
03:22:51 9 2015, you told Miss Jesko of CBS News [sic] that --
03:22:59 10 MS. McCAWLEY: ABC. I'm sorry. You said
03:22:59 11 CBS.
03:22:59 12 MR. SIMPSON: I'm sorry.
03:22:59 13 THE WITNESS: There you go.
03:23:00 14 MS. McCAWLEY: Now, we are really confused.
03:23:00 15 MR. SIMPSON: I'm sorry. Let me start again,
03:23:04 16 and thank you.
03:23:05 17 MS. McCAWLEY: Sure.
03:23:06 18 BY MR. SIMPSON:
03:23:06 19 **Q.** In this e-mail on January 4th, 2015, you told
03:23:10 20 Miss Jesko of ABC News, quote: I represent, along with
03:23:15 21 Brad Edwards in Florida, the young woman who was
03:23:18 22 sexually abused by Prince Andrew and Alan Dershowitz,
03:23:22 23 period, close quote. Have I quoted that correctly?
03:23:25 24 **A. You have.**
03:23:25 25 **Q.** So is it fair to say that in this e-mail, you

03:23:28 1 have told ABC News that Mr. -- Professor Dershowitz, in
03:23:33 2 fact, had abused Virginia Roberts?
03:23:37 3 **A. No. I think it says that I'm the lawyer who**
03:23:39 4 **is representing someone who has -- has made those**
03:23:42 5 **allegations.**
03:23:42 6 **Q.** That's how you read this e-mail?
03:23:44 7 **A. Yes.**
03:23:45 8 **Q.** In the e-mail you identified Miss Roberts as:
03:23:49 9 "The young woman who was sexually abused by
03:23:53 10 Prince Andrew and Alan Dershowitz."
03:23:55 11 That doesn't read to you as a statement that
03:24:00 12 she was abused?
03:24:01 13 **A. In context, I think it was understood that I**
03:24:03 14 **was the attorney representing her with that claim.**
03:24:14 15 MR. DERSHOWITZ: Move on.
03:24:14 16 BY MR. SIMPSON:
03:24:14 17 **Q.** Who --
03:24:15 18 THE WITNESS: I'm sorry. What was that?
03:24:15 19 Who -- who was that?
03:24:16 20 MR. SIMPSON: Who is speaking?
03:24:18 21 THE WITNESS: I heard somebody say "move on"
03:24:20 22 or something. Could somebody identify
03:24:23 23 themselves, please? Did I --
03:24:26 24 MR. SIMPSON: In any event, I -- I will move
03:24:27 25 on.

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03:24:27 1 THE WITNESS: Well -- well, who -- I'm sorry.
03:24:30 2 Who was that? The speaker? I want to know who
03:24:32 3 is on the line here. Could somebody identify
03:24:34 4 themselves, please?
03:24:36 5 If somebody is eavesdropping in my
03:24:37 6 deposition, I would like to know who it is.
03:24:40 7 MR. SIMPSON: No one has the call-in number
03:24:42 8 other than counsel and parties.
03:24:44 9 THE WITNESS: So --
03:24:45 10 MR. SIMPSON: To my knowledge.
03:24:46 11 MR. SCAROLA: Yeah, but that --
03:24:46 12 THE WITNESS: But who is that person?
03:24:47 13 MR. SCAROLA: -- that doesn't preclude
03:24:48 14 someone from sharing that call-in number. And
03:24:50 15 it is appropriate that anybody on the line
03:24:52 16 identify themselves.
03:24:58 17 And if the people on the line refuse to
03:25:01 18 identify themselves, then it's our intention to
03:25:04 19 cut off the line, and the people who are
03:25:07 20 authorized to be on the line can call back in.
03:25:10 21 MR. SCOTT: I agree with that.
03:25:12 22 MR. SIMPSON: Could -- could the people on
03:25:12 23 the line identify themselves?
03:25:17 24 MR. SCAROLA: Okay --
03:25:17 25 MR. DERSHOWITZ: Alan Dershowitz.

03:25:17 1 MR. SCAROLA: -- cut it off.
03:25:17 2 MS. McCAWLEY: He just -- he just --
03:25:17 3 THE WITNESS: So he --
03:25:20 4 MR. SIMPSON: Alan Dershowitz. Anyone else?
03:25:24 5 MR. SCAROLA: So the only person on the line
03:25:27 6 is Alan Dershowitz, and it was Mr. Dershowitz who
03:25:29 7 made the comment "move on"; is that correct?
03:25:32 8 MR. SIMPSON: Well, he's the only one on the
03:25:34 9 line. I know -- I've only got three minutes left
03:25:37 10 here.
03:25:37 11 MR. SCAROLA: Well, I'll give you three more
03:25:39 12 minutes. I want to know: Was it Mr. Dershowitz
03:25:41 13 who made that comment "move on" because if it
03:25:45 14 wasn't, there's somebody else on the line --
03:25:45 15 MR. WEINBERG: I -- I --
03:25:47 16 MR. SCAROLA: -- that refuses to identify
03:25:48 17 themselves.
03:25:51 18 MR. WEINBERG: Marty Weinberg for Epstein.
03:25:51 19 I've been on the line on occasion. I have a mute
03:25:56 20 button and have said nothing and just kept on
03:25:56 21 going with no statements on my end.
03:25:56 22 MR. DERSHOWITZ: It was me who said it. I --
03:25:56 23 I -- I thought my mute button was on.
03:25:56 24 THE COURT REPORTER: I can't hear. I can't
03:26:02 25 hear.

03:26:02 1 MR. SIMPSON: Okay. I --
03:26:02 2 THE COURT REPORTER: I can't hear.
03:26:02 3 MR. SIMPSON: I heard it and I'll -- I'll
03:26:03 4 repeat it.
03:26:03 5 MR. SCAROLA: "It was me who said it."
03:26:05 6 MR. SIMPSON: "And I thought my mute
03:26:06 7 button" --
03:26:06 8 MR. SCAROLA: "I thought my" --
03:26:06 9 MR. SIMPSON: -- "was on."
03:26:06 10 MR. SCAROLA: -- "mute button was on."
03:26:06 11 And that was Mr. Dershowitz making that
03:26:09 12 comment?
03:26:09 13 MR. SIMPSON: Yes, it was.
03:26:12 14 MR. SCAROLA: Okay. Thank you.
03:26:12 15 MR. DERSHOWITZ: I was trying to instruct my
03:26:14 16 attorney.
03:26:14 17 MR. SCAROLA: Then we are ready to move on.
03:26:14 18 BY MR. SIMPSON:
03:26:18 19 Q. Have you told any -- all right.
03:26:25 20 Putting aside counsel who are working with
03:26:28 21 you, and putting aside those who you identified as being
03:26:32 22 within the common-interest privilege --
03:26:34 23 **A. Right.**
03:26:34 24 Q. -- so not those people --
03:26:34 25 **A. Right.**

03:26:36 1 Q. -- have you told anyone that Professor
03:26:45 2 Dershowitz abused Virginia Roberts or any other minor?
03:26:51 3 **A. No. I've -- what I have tried to say is that**
03:26:53 4 **I'm representing a young woman who has made those**
03:26:55 5 **allegations. As an attorney, I'm proud to represent**
03:26:58 6 **her, proud to present her case in court, proud to**
03:27:02 7 **present arguments to whoever will listen that she's been**
03:27:06 8 **sexually abused by various people.**
03:27:07 9 Q. Okay. And you have spoken with
03:27:09 10 representatives of the News Media on the record and off
03:27:15 11 the record about this case; isn't that -- is that not
03:27:17 12 correct?
03:27:17 13 **A. Well, on the record, yes; with regard to off**
03:27:21 14 **the record, there have been some communications that I**
03:27:24 15 **think now have been turned over to the -- to the**
03:27:26 16 **defense. So I don't -- I'm not sure if there still**
03:27:29 17 **remain any off the record -- I suppose probably there**
03:27:32 18 **are a few, but I would -- I think most of the -- what**
03:27:36 19 **were originally off-the-record communications have now**
03:27:38 20 **been provided to -- to the defense time.**
03:27:41 21 Q. Mr. Cassell, is it not true -- true, that you
03:27:44 22 have spoken with reporters on what you referred to as
03:27:49 23 quote, background, close quote?
03:27:50 24 **A. Yeah. I mean that's different than -- your**
03:27:54 25 **earlier question was off the record and on the record.**

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03:27:57 1 **There is an intermediate category of**
03:27:58 2 **background information as well, and I have spoken to**
03:28:01 3 **some reporters in that capacity, yes.**
03:28:04 4 Q. And -- and -- and background means that it's
03:28:08 5 not for attribution, correct?
03:28:10 6 **A. Right. The background means the reporter can**
03:28:13 7 **use the information, but shouldn't attribute it to a**
03:28:16 8 **particular person.**
03:28:17 9 Q. And, in fact, you have --
03:28:19 10 **A. Or let me -- let me just clarify. Some**
03:28:21 11 **time -- well, background, I think, you know, we are now**
03:28:23 12 **talking about sort of -- when I use the term**
03:28:25 13 **"background," it would generally mean that this is**
03:28:28 14 **something maybe that you want to investigate and see if**
03:28:31 15 **you can confirm in other ways, but it shouldn't be**
03:28:34 16 **sourced to -- that I shouldn't be quoted directly**
03:28:38 17 **because they are going to have to find other -- other**
03:28:40 18 **sources that confirm that same information.**
03:28:42 19 Q. Okay. And so my question is that it is true
03:28:45 20 that you have spoken with a number of reporters on
03:28:49 21 background about Virginia Roberts's allegations in this
03:28:53 22 case, correct?
03:28:54 23 **A. Well, a number -- a few, I would say, is**
03:28:56 24 **probably a more accurate characterization.**
03:29:00 25 Q. And in any of those background conversations,

03:29:04 1 did you ever identify Miss Roberts as someone who had
03:29:08 2 been sexually abused by Mr. -- Professor Dershowitz?
03:29:11 3 **A. I tried to identify myself as the attorney**
03:29:14 4 **representing someone who said that she had been sexually**
03:29:18 5 **abused by Dershowitz. I think you've received -- you**
03:29:20 6 **know, we can go through -- you know, we have produced, I**
03:29:24 7 **think, 2,500 pages of discovery. Many of those pages**
03:29:26 8 **are media communications. And, you know, we can go**
03:29:30 9 **through, and I think you know that there are a number of**
03:29:33 10 **examples, many examples, where I have said, I represent**
03:29:35 11 **a woman who has alleged that... Some verbal formulation**
03:29:40 12 **along those lines.**
03:29:44 13 **I mean, attorneys represent victims all the**
03:29:46 14 **time and -- and I don't think people generally**
03:29:49 15 **understand when an attorney makes a statement, that the**
03:29:51 16 **attorney is adopting and vouching for that statement.**
03:29:55 17 **They are -- they are serving in a representative**
03:29:58 18 **capacity.**
03:29:59 19 Q. Have you finished your answer?
03:30:00 20 **A. I have.**
03:30:01 21 Q. Okay. Do you -- are you a party to any fee
03:30:06 22 agreement of any kind that would relate to a possible
03:30:10 23 recovery from Les Wexner?
03:30:13 24 MS. McCAWLEY: Objection to the extent that
03:30:15 25 it reveals any confidential communications with

03:30:17 1 your client, my client, or any joint defense
03:30:22 2 communications. You can't reveal that.
03:30:24 3 THE WITNESS: All right. So I'm going to
03:30:27 4 follow that instruction and not answer.
03:30:28 5 BY MR. SIMPSON:
03:30:46 6 Q. With respect to the -- what's now still
03:30:52 7 Exhibit 2, the motion for limited intervention --
03:30:56 8 MR. SCAROLA: Let me just observe for the
03:30:57 9 record that it's 12:02. I don't think we used
03:31:01 10 the three minutes that I said I was going to give
03:31:03 11 you, but we will go to 12:03 anyway.
03:31:10 12 MR. SIMPSON: This line of questioning will
03:31:11 13 take a little -- a little time, so --
03:31:14 14 MR. SCAROLA: Well, what's a "little"? Oh,
03:31:14 15 so you --
03:31:15 16 MR. SIMPSON: Five minutes.
03:31:16 17 MR. SCAROLA: So you prefer to wait then?
03:31:20 18 MR. SIMPSON: Let me ask -- I can ask you a
03:31:22 19 few questions here.
03:31:23 20 THE WITNESS: Sure.
03:31:23 21 BY MR. SIMPSON:
03:31:24 22 Q. I'm going to keep going. On the -- this is
03:31:28 23 your brief actually --
03:31:29 24 **A. Which --**
03:31:29 25 Q. -- Exhibit 1.

03:31:30 1 **A. Which -- let me just make sure which one is**
03:31:33 2 **it. I have Exhibit 2, but I don't think I have**
03:31:38 3 **Exhibit 1.**
03:31:39 4 Q. Oh, I probably have Exhibit 1. Let me give
03:31:41 5 you Exhibit 1. I will give you 2 back so we don't lose
03:31:44 6 it --
03:31:44 7 **A. Okay.**
03:31:45 8 Q. -- or keep it in front of you with the
03:31:46 9 others.
03:31:46 10 **A. Okay. So, now, let's see. Okay. Yeah. I**
03:31:50 11 **have it.**
03:31:51 12 Q. In preparing this brief, did you personally
03:32:00 13 review the citations to the record that were given to
03:32:05 14 support the factual assertions?
03:32:08 15 **A. As opposed to somebody else on the legal**
03:32:11 16 **team?**
03:32:12 17 Q. Yes. I'm trying to ascertain whether you,
03:32:14 18 yourself, reviewed citations -- I'm going to be asking
03:32:18 19 you about a deposition transcript -- citations to the
03:32:22 20 record evidence that are cited as representing to the
03:32:26 21 court as supporting the factual assertions?
03:32:29 22 **A. I mean, I reviewed some, and others. You**
03:32:32 23 **know, maybe I need to -- this is starting to get into**
03:32:36 24 **work product. If you're asking, you know, what did Brad**
03:32:38 25 **do, what did you do, what did the paralegals do --**

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03:32:42 1 Q. Let -- let me ask you a different question
03:32:43 2 then.
03:32:43 3 A. **Okay.**
03:32:43 4 Q. By -- by submitting this brief with your name
03:32:46 5 signing it, you were representing that the factual
03:32:50 6 allegations, factual assertions, were support -- are
03:32:54 7 supported by the record citations that are given for
03:32:58 8 those, correct?
03:32:58 9 A. **Yeah. I mean, obviously, when you write a**
03:33:00 10 **brief, you're -- you're -- you know, you're trying to**
03:33:02 11 **represent that this is the best product I can come up**
03:33:04 12 **with.**
03:33:05 13 **Now, you know, in a 40-page brief did --**
03:33:07 14 **did -- is there some, you know, error in citation or**
03:33:10 15 **something like that? I have to -- I'm not perfect. I'm**
03:33:12 16 **sure that's a possibility, but, you know, I worked hard**
03:33:15 17 **to try to put together the best product that I could on**
03:33:18 18 **behalf of Virginia Roberts when I filed this brief.**
03:33:21 19 Q. And -- and in general, when a lawyer signs a
03:33:24 20 brief, it's a representation to the court that the
03:33:28 21 citations to the record support the factual --
03:33:28 22 A. **Yeah, to the --**
03:33:32 23 Q. -- propositions given to the court?
03:33:34 24 A. **Yeah, that's right. To the best of, you**
03:33:36 25 **know, your ability, sure.**

03:33:37 1 Q. Take a look if you would at page 29 --
03:33:40 2 A. **Okay.**
03:33:41 3 Q. -- the top of the page --
03:33:42 4 A. **Okay.**
03:33:42 5 Q. -- the statement: "Jane Doe number 3 came to
03:33:50 6 the house when Dershowitz was there." And then it's
03:33:53 7 "Id." which is a citation to the Alessi deposition, page
03:33:56 8 73, line 18 to 20. Do you see that?
03:33:59 9 A. **I do.**
03:34:01 10 Q. So that sentence if I -- do you agree with me
03:34:03 11 that sentence is representing to the court that Virginia
03:34:08 12 Roberts came to the Palm Beach house when Professor
03:34:12 13 Dershowitz was there?
03:34:12 14 A. **Yes.**
03:34:13 15 Q. I'm going to read you what's cited for that
03:34:15 16 proposition. I can show it to you if you like.
03:34:17 17 A. **I would like to see it because, you know,**
03:34:18 18 **it's possible I'm off.**
03:34:20 19 Q. Let me read it for the record.
03:34:22 20 A. **Sure.**
03:34:22 21 Q. And I will read what is cited. It's page 73,
03:34:31 22 lines 22 to 25.
03:34:39 23 Actually -- I'm -- yeah, I'm sorry. 73, 18
03:34:44 24 to 20. Line 18:
03:34:51 25 "Not sure. When Mr. -- Mr. Dershowitz was

03:34:54 1 visiting?
03:34:55 2 "Uh-huh. Answer.
03:34:56 3 "Question: How often did he come?
03:34:59 4 "Answer: He came pretty -- pretty often. I
03:35:02 5 would says as least four or five times a year."
03:35:06 6 And that's what is cited as the support for
03:35:09 7 the proposition --
03:35:09 8 A. **I'd -- I would like to look at the document.**
03:35:10 9 Q. I'm going to give you the document before I
03:35:12 10 ask you to comment on it.
03:35:15 11 A. **Sure.**
03:35:15 12 Q. I will -- I will go beyond what was cited to
03:35:16 13 the court --
03:35:16 14 A. **Okay.**
03:35:16 15 Q. -- to put it in context.
03:35:20 16 A. **But I mean, there's -- this is a large --**
03:35:22 17 **well, that's what I'm saying. I would like -- my**
03:35:24 18 **recollection is that there are number of parties to the**
03:35:26 19 **Alessi depo --**
03:35:27 20 Q. No. My -- my only question is in this brief,
03:35:30 21 the lawyers signing it represented to the court that
03:35:32 22 this citation supported that factual assertion.
03:35:35 23 A. **But that's true, yes.**
03:35:36 24 Q. Okay. I will read it.
03:35:40 25 "Do you have any recollection of V.R.,

03:35:43 1 Virginia Roberts, coming to the house when
03:35:44 2 Prince Andrew was there? Question.
03:35:46 3 "Answer: It could have been, but I'm not
03:35:49 4 sure.
03:35:50 5 "Not sure. When Mr. Dershowitz was visiting?
03:35:53 6 "Uh-huh.
03:35:54 7 "How often did he come?
03:35:55 8 "He came pretty -- he pretty often. I would
03:35:58 9 says at least four or five times a year."
03:36:00 10 A. **Okay.**
03:36:01 11 Q. Do you want to take a look at that?
03:36:02 12 A. **Yeah.**
03:36:04 13 MS. RICHARDSON: Page 73.
03:36:04 14 BY MR. SIMPSON:
03:36:06 15 Q. Page 73, line -- it's right here (indicating)
03:36:08 16 if it helps you find it.
03:36:11 17 A. **Yeah. Okay. All right. That's what those**
03:36:15 18 **lines say, yes.**
03:36:16 19 Q. Okay. So my -- my question is: In your
03:36:19 20 view, as an attorney, does that quotation -- does that
03:36:23 21 testimony support the assertion that Professor
03:36:27 22 Dershowitz and Virginia Roberts were in the house at the
03:36:30 23 same time?
03:36:30 24 A. **Those -- those lines 18 to --**
03:36:34 25 Q. And if you want to put it in the context of a

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03:36:36 1 couple of lines above it that do refer to Virginia
03:36:39 2 Roberts, put it in the context.
03:36:41 3 My question is: Does that, fairly read,
03:36:46 4 constitute testimony that Virginia Roberts and Professor
03:36:49 5 Dershowitz were in the house at the same time?
03:36:51 6 **A. Those three sentences, three lines.**
03:36:55 7 Q. What -- yes, what the brief cites.
03:36:57 8 **A. Those -- those three lines: "Not sure. When**
03:37:03 9 **Mr. Dershowitz was visiting. Uh-huh. How often did he**
03:37:06 10 **come?" Those -- those three lines, I agree, that looks**
03:37:10 11 **like a miscitation there. I agree with you on that.**
03:37:14 12 Q. And isn't it true that -- first of all,
03:37:16 13 nothing else is cited in the brief or elsewhere to
03:37:22 14 support -- put -- put aside.
03:37:23 15 Other than Virginia Roberts's own testimony,
03:37:26 16 this is the only evidence that you cited to the court to
03:37:30 17 support --
03:37:31 18 **A. No, no, no, no, no. That would require a**
03:37:34 19 **30-minute answer.**
03:37:34 20 Q. Okay. I won't ask you a 30-minute answer --
03:37:37 21 MR. SCAROLA: How about -- how about wrapping
03:37:38 22 it up then because it's now 12:10.
03:37:41 23 MR. SIMPSON: I will wrap it up. I have one
03:37:42 24 more -- one more question.
03:37:43 25 THE WITNESS: Okay.

03:37:43 1 BY MR. SIMPSON:
03:37:43 2 Q. And that is: I just want to confirm that you
03:37:47 3 do agree with me that what was cited to the court for
03:37:50 4 the proposition that they were together, in this
03:37:52 5 sentence, doesn't support that proposition?
03:37:54 6 **A. I will agree with you that there appears to**
03:37:56 7 **be a miscitation of the line number -- of the lines 18**
03:38:01 8 **through 20.**
03:38:02 9 **Now, you're saying that there is not**
03:38:04 10 **information outside of 8 -- lines 18 through 20 to**
03:38:08 11 **support the allegation, and that's going to require a**
03:38:11 12 **much longer answer.**
03:38:12 13 Q. I don't want a long answer, but I do want to
03:38:15 14 clarify. When you say "outside" --
03:38:15 15 MR. SCAROLA: You also said one more
03:38:15 16 question.
03:38:15 17 MR. SIMPSON: Well, I -- let me just finish
03:38:16 18 this, so we are not going to have this hanging,
03:38:19 19 because I want to make sure we are communicating.
03:36:21 20 THE WITNESS: Okay. Sure.
03:38:21 21 BY MR. SIMPSON:
03:38:22 22 Q. I understand you're -- you're saying that
03:38:25 23 there -- there may be evidence --
03:38:26 24 **A. Yeah.**
03:38:27 25 Q. -- elsewhere?

03:38:27 1 **A. The lawyer -- look, this is not the first**
03:38:27 2 **time --**
03:38:27 3 Q. I'm not asking the --
03:38:29 4 **A. -- a lawyer has cited the wrong line number**
03:38:31 5 **on a transcript or something, and if you're suggesting**
03:38:34 6 **that -- you know, I will concede that I cited the wrong**
03:38:38 7 **line number for that particular assertion.**
03:38:41 8 Q. And this is what I want to clarify: When you
03:38:43 9 say the wrong line number, if you look at the quotation,
03:38:46 10 there is, up above -- you cited 18 to 20 -- 22 to 25 --
03:38:46 11 no, 18 to 20. I'm sorry. You cited 18 to 20 which is
03:38:56 12 -- do you see that?
03:38:57 13 **A. I do see 18 to 20, yes.**
03:38:59 14 Q. And those lines don't refer to Virginia
03:39:01 15 Roberts coming to the house, correct?
03:39:02 16 **A. Lines 18 to 20 do not refer to Virginia**
03:39:10 17 **Roberts -- oh, no, wait a minute. Now, this is --**
03:39:12 18 **because when I look at it here, line 15:**
03:39:17 19 "Do you have any recollection of V.R.,
03:39:20 20 Virginia Roberts, coming to the house when
03:39:21 21 Prince Andrew was there?"
03:39:23 22 Answer: "It could have been. I'm not sure.
03:39:25 23 "Not sure. When Mr. Dershowitz was
03:39:28 24 visiting?"
03:39:30 25 So now when I read it, actually, I'm now

03:39:32 1 going to withdraw my earlier answer, I would -- because
03:39:35 2 you know, it's getting late in the day. I'm getting a
03:39:37 3 little fuzzy here. When Mr. Dershowitz was visiting,
03:39:40 4 uh-huh, could be an affirmative answer read in context
03:39:45 5 to saying, I don't recall about Prince Andrew, but I do
03:39:47 6 recall Virginia Roberts being there. And I think when
03:39:49 7 we unpack the entirety of the deposition, which we don't
03:39:52 8 have time right now, that the context that I'm
03:39:54 9 suggesting now would be accurate. So I am not prepared
03:39:57 10 to say, as I sit here right now, that those were the
03:39:59 11 wrong line numbers.
03:40:01 12 Perhaps those are the correct line numbers,
03:40:03 13 but what I think I should have done was to cite
03:40:05 14 additional parts of the transcript that would have, in
03:40:10 15 context, made clear that the assertion was correct.
03:40:14 16 MR. SCAROLA: With that --
03:40:15 17 MR. SIMPSON: I -- I just need to finish this
03:40:16 18 one or two questions, but this is the topic, so
03:40:18 19 let me finish it.
03:40:19 20 BY MR. SIMPSON:
03:40:19 21 Q. Did you ever watch the video --
03:40:19 22 MR. SCAROLA: Running out of tape --
03:40:19 23 BY MR. SIMPSON:
03:40:22 24 Q. -- of the transcript?
03:40:22 25 MR. SCAROLA: We are also running out of tape

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03:40:25 1 right now.
03:40:26 2 MR. SIMPSON: I've got --
03:40:26 3 THE VIDEOGRAPHER: Two minutes.
03:40:28 4 MR. SIMPSON: Two minutes. All right. That
03:40:28 5 won't take --
03:40:28 6 BY MR. SIMPSON:
03:40:29 7 **Q.** I want you to look at the video of that --
03:40:31 8 that testimony. Would you play it, please, for the
03:40:33 9 witness? This is from the videotape of the deposition.
03:40:35 10 THE WITNESS: I do not want to watch just --
03:40:37 11 I want to watch -- what -- what I'm seeing here
03:40:42 12 as I dive into this, I would -- if you're going
03:40:45 13 to ask me questions about what's in these
03:40:47 14 particular lines, I want to see -- I want to go
03:40:50 15 back. I want all of the -- the relevant parts of
03:40:54 16 Virginia Roberts's testimony played. And I
03:40:56 17 believe there are approximately four points in
03:40:59 18 the transcript where she's mentioned, so can we
03:41:00 19 play all four of those?
03:41:02 20 MR. SCAROLA: We are not going to do that.
03:41:03 21 We have run out of time. Per agreement, this was
03:41:05 22 supposed to stop at noon.
03:41:05 23 MR. SIMPSON: Okay.
03:41:08 24 MR. SCAROLA: It is now 12:12, so this
03:41:09 25 deposition is ended. There were a lot of things

03:41:10 1 that I would have like to have finished with
03:41:13 2 Professor Dershowitz and wasn't permitted to do
03:41:14 3 that. So by agreement, this deposition is now
03:41:17 4 over.
03:41:18 5 MR. SIMPSON: It -- it's -- it's ending over
03:41:20 6 my objection and the witness's --
03:41:21 7 MR. SCAROLA: I -- I understand that.
03:41:22 8 MR. SIMPSON: -- the -- I'm going to make my
03:41:23 9 record.
03:41:23 10 MR. SCAROLA: Okay.
03:41:24 11 MR. SIMPSON: -- the witness's refusal to
03:41:25 12 look at the videotape of the portion of the
03:41:29 13 deposition that he just characterized in his
03:41:32 14 testimony as suggesting an affirmative answer to
03:41:35 15 the question of whether Virginia Roberts and
03:41:38 16 Professor Dershowitz were there at the same time,
03:41:39 17 and I will represent --
03:41:40 18 MR. SCAROLA: That record is clear.
03:41:41 19 MR. SIMPSON: -- and anyone looking at that
03:41:43 20 videotape would know, to a moral certainty, that
03:41:46 21 that was false.
03:41:46 22 THE WITNESS: Okay. And I -- I want to make
03:41:48 23 clear that I would be happy to look at
03:41:50 24 everything. We will do that at another time
03:41:52 25 perhaps.

03:41:54 1 MR. SCAROLA: Right.
03:41:54 2 THE VIDEOGRAPHER: We are going off the video
03:41:55 3 record, 12:14 p.m.
4
5 (Witness excused.)
6 (Deposition was adjourned.)
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1 DEPOSITION ERRATA SHEET
2
3 Assignment no: 220190
4 BRADLEY J. EDWARDS and PAUL G. CASSELL vs.
5 ALAN M. DERSHOWITZ
6
7 DECLARATION UNDER PENALTY OF PERJURY
8
9 I declare under penalty of perjury that I have
10 read the entire transcript of my deposition/examination
11 under oath taken in the captioned matter or the same
12 has been read to me, and the same is true and accurate,
13 save and except for changes and/or corrections, if any,
14 as indicated by me on the DEPOSITION ERRATA SHEET
15 hereof, with the understanding that I offer these
16 changes as if still under oath.
17
18 Signed on the _____ day of _____,
19 2015.
20
21 _____.
22 PAUL G. CASSELL
23
24
25

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DEPOSITION ERRATA SHEET

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PAUL G. CASSELL

DEPOSITION ERRATA SHEET

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SIGNATURE:_____DATE:_____, 2015

PAUL G. CASSELL

CERTIFICATE OF OATH

STATE OF FLORIDA)

COUNTY OF BROWARD)

I, the undersigned authority and Notary Public certify that PAUL G. CASSELL personally appeared before me and was duly sworn on Saturday, the 17th day of October, 2015.

Sworn to before me this 19th day of October, 2015.

_____

Theresa Tomaselli, RMR

Notary Public - State of Florida

My Commission No. FF 226528

My Commission Expires 8/27/2019

220190

REPORTER'S CERTIFICATE

I, THERESA TOMASELLI, Registered Merit Reporter and Notary Public in and for the State of Florida at Large, do hereby certify that I was authorized to and did report said deposition in stenotype; and that the foregoing pages are a true and correct transcription of my shorthand notes of said deposition.

I further certify that said deposition was taken at the time and place hereinabove set forth and that the taking of said deposition was commenced and completed as hereinabove set out.

I further certify that I am not an attorney or counsel of any of the parties, nor am I a relative or employee of any attorney or counsel of party connected with the action, nor am I financially interested in the action.

The foregoing certification of this transcript does not apply to any reproduction of the same by any means unless under the direct control and/or direction of the certifying reporter.

DATED this 19th day of October, 2015.

_____

THERESA TOMASELLI

220190

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Filing # 37201585 E-Filed 01/29/2016 03:47:44 PM

IN THE CIRCUIT COURT OF THE
SEVENTEENTH JUDICIAL CIRCUIT
IN AND FOR BROWARD COUNTY, FLORIDA

CASE NO.: CACE 15-000072

BRADLEY J. EDWARDS and
PAUL G. CASSELL,

Plaintiffs/Counterclaim Defendants,

vs.

ALAN M. DERSHOWITZ,

Defendant/Counterclaim Plaintiff.

_____/

DEFENDANT/COUNTERCLAIM PLAINTIFF ALAN DERSHOWITZ'S MOTION FOR CLARIFICATION OF CONFIDENTIALITY ORDER OR RELIEF FROM THAT ORDER

The transcript of the deposition of non-party Virginia Roberts Giuffre ("Roberts") is currently under seal as a result of the January 12, 2016 Confidentiality Order in this action. Dershowitz seeks clarification that the Confidentiality Order does not preclude him or his counsel from submitting the transcript of the deposition to the Office of the State Attorney, the Office of the United States Attorney, and other appropriate investigative authorities solely for purposes of requesting that those offices consider opening perjury investigations regarding Roberts's testimony. To the extent that the Confidentiality Order precludes such disclosure, Dershowitz requests that the Court modify it to permit the requested disclosure in the public interest.

Roberts has stated in an affidavit originally filed publicly in federal court in what the parties have referred to as the CVRA Action that she was present on Jeffrey Epstein's private island, Little St. James Island, at the same time as former President Clinton. That affidavit was

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stricken in relevant part from the record by the federal court, but Roberts's counsel filed publicly a pleading in this case contesting Defendant's assertion that her statements in the media regarding meeting former President Clinton were untrue. A copy of the public affidavit filed in the CVRA Action and the excerpted portion of the pleading filed in this action are attached hereto as composite Exhibit A.

Because former President Clinton did not leave office until January of 2001, and Roberts has repeatedly stated in publicly filed affidavits that she "escaped" from Epstein while in Thailand in September of 2002, the alleged meeting with former President Clinton must have taken place between January of 2001 and September of 2002. As explained in the letter attached as Exhibit B, former FBI Director Louis Freeh made a request pursuant to the Freedom of Information Act for documents from the Secret Service regarding Secret Service personnel travelling with former President Clinton to Epstein's private island and the US Virgin Islands. Based on the response by the federal government to this request, and his knowledge of the duties, protocols and operations of security provided to a former President, Mr. Freeh opines in the attached letter that the absence of such records "strongly establishes that former President Clinton was not present on Little St. James Island during the period at issue." If Mr. Freeh's opinion is correct, then Roberts's publicly filed affidavits in which she stated that she met President Clinton on the island during that period are obviously false. Dershowitz intends to bring this public information to the attention of the appropriate authorities.

Separate from the public information, Dershowitz also believes that Roberts gave false testimony at her deposition. The relevant testimony, which Dershowitz intends to provide to the appropriate authorities, is being filed under seal contemporaneously with this motion. In an abundance of caution, Dershowitz and his counsel do not want to disclose this non-public

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information even to the responsible public officials with a right and need to know without obtaining confirmation from this Court that doing so would not violate the Confidentiality Order or alternatively relief from that Confidentiality Order.

Respectfully submitted,

s/ *Thomas E. Scott*
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Counsel for Alan M. Dershowitz

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a copy of the foregoing has been electronically filed through the Clerk of Broward County by using the Florida Courts eFiling Portal and thus served by electronic mail: jsx@searcylaw.com, mep@searcylaw.com, scarolateam@searcylaw.com to: Jack Scarola, Esq, Searcy Denney Scarola Barnhart & Shipley, P.A., Counsel for Plaintiff, 2139 Palm Beach Lakes Blvd., West Palm Beach, Florida 33409; jonijones@utah.gov to: Joni J. Jones, Esq., Assistant Utah Attorney General, Counsel for Plaintiff Cassell, 160 East 300 South, Salt Lake City, Utah 84114; brad@pathtojustice.com to: Bradley J. Edwards, Esq, Farmer, Jaffe et al, 425 North Andrews Avenue, Suite 2, Ft. Lauderdale, FL 33301; cassellp@law.utah.edu, to: Paul G. Cassell, Esq.,; smccawley@bsfllp.com, sperkins@bsfllp.com, ftleserve@bsfllp.com to: Sigrid S. McCawley, Esq., Boies Schiller & Flexner, LLP, 401 E. Las Olas Blvd, Suite 1200, Ft. Lauderdale, FL 33301, this 29th day of January, 2016.

By: *s/ Thomas E. Scott*
THOMAS E. SCOTT
FBN: 149100
STEVEN R. SAFRA
FBN: 057028

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EXHIBIT A

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

CASE NO. 08-80736-CIV-MARRA

JANE DOE #1 and JANE DOE #2,
Petitioners,

vs.

UNITED STATES OF AMERICA,
Respondent.
_____/

DECLARATION OF [redacted]

1. My name is [redacted] and I was born in August, 1983.

2. I am currently 31 years old.

3. I grew up in Palm Beach, Florida. When I was little, I loved animals and wanted to be a veterinarian. But my life took a very different turn when adults began to be interested in having sex with me.

4. In approximately 1999, when I was 15 years old, I met Ghislaine Maxwell. She is the daughter of Robert Maxwell, who had been a wealthy publisher in Britain. Maxwell asked that I come with her to Jeffrey Epstein's mansion for the purposes of teaching me how to perform "massages" and to train me professionally in that area. Soon after that I went to Epstein's home in Palm Beach on El Brillo Way.

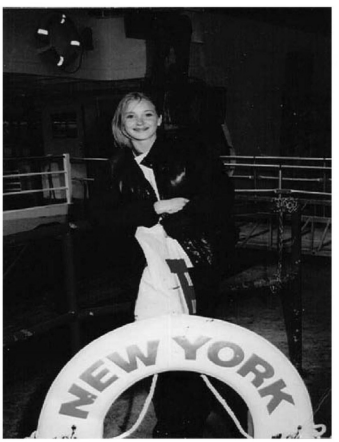
5. From the first time I was taken to Epstein's mansion that day, his motivations and actions were sexual, as were Maxwell's. My father was not allowed inside. I was brought up some stairs. There was a naked guy, Epstein, on the table in the room. Epstein and Maxwell forced me into sexual activity with Epstein. I was 15 years old at the time. He seemed to be in his 40s or 50s. I was paid $200. I was driven home by one of Epstein's employees.

6. I came back for several days following and did the same sorts of sexual things for Epstein.

7. After I did those things for Epstein, he and Maxwell said they were going to have me travel and were going to get an education for me. They were promising me the world, that I would travel with Epstein on his private jet and have a well-paid profession. Epstein said he would eventually match me up with a wealthy person so that I would be "set up" for life.

8. So I started "working" exclusively for Epstein. He took me to New York on his big, private jet. We went to his mansion in New York City. I was shown to my room, a very luxurious room. The mansion was huge. I got scared because it was so big. Epstein brought me to a room with a massage parlor. To me, it looked like an S&M parlor. Epstein made me engage in sexual activities with him there.

9. You can see how young I looked in the photograph below.



10. Epstein took me on a ferry boat on one of the trips to New York City and there he took the picture above. I was approximately 15 or 16 years old at the time.

11. Over the next few weeks, Jeffrey Epstein and Ghislaine Maxwell trained me to do what they wanted, including sexual activities and the use of sexual toys. The training was in New York and Florida, at Epstein's mansions. It was basically every day and was like going to school. I also had to have sex with Epstein many times.

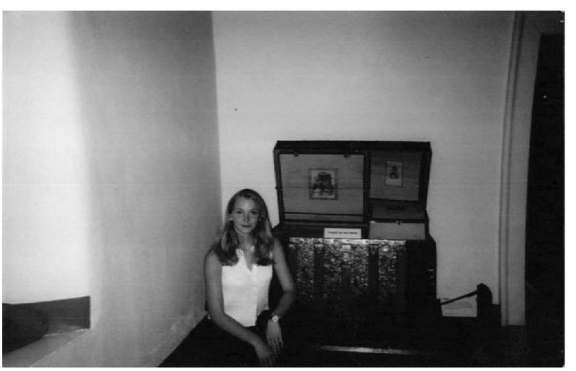
12. I was trained to be "everything a man wanted me to be." It wasn't just sexual training - they wanted me to be able to cater to all the needs of the men they were going to send me to. They said that they loved that I was very compliant and knew how to keep my mouth shut.

13. Epstein and Maxwell also told me that they wanted me to produce things for them in addition to performing sex on the men. They told to me to pay attention to the details about what the men wanted, so I could report back to them.

14. From very early on I was fearful of Epstein. Epstein told me he was a billionaire. I told my mother that I was working for this rich guy, and she said "go, go far away." Epstein had promised me a lot, and I knew if I left I would be in big trouble. I also knew that I was a witness to a lot of illegal and very bad behavior by Epstein and his friends. If I left Epstein, he knew all kinds of powerful people. He could have had me killed or abducted, and I always knew he was capable of that if I did not obey him. He let me know that he knew many people in high places. Speaking about himself, he said "I can get away" with things. I was very scared, particularly since I was a teenager.

15. I visited and traveled with Jeffrey Epstein from 1999 through the summer of 2002, and during that time I stayed with him, as his sex slave, at each of his houses (really more like mansions) in locations including New York City, New York; the area of Santa Fe, New Mexico; Palm Beach, Florida; an island in the U.S. Virgin Islands; and Paris, France. I had sex with him often in these places and also with the various people he demanded that I have sex with. Epstein paid me for many of these sexual encounters. In fact, my only purpose for Epstein, Maxwell and their friends was to be used for sex.

16. To illustrate my connection to these places, I include four photographs taken of me in New Mexico (shown below). The first one is a museum in Santa Fe, New Mexico. We had gone sightseeing for the day. Epstein took this picture of me. I was approximately 17 at the time, judging from the looks of it. At the end of the day we returned to Epstein's Zorro Ranch. The second picture is me on one of Epstein's horses on the ranch in New Mexico. The following two are from wintertime in New Mexico.



17. When I was with him, Epstein had sex with underage girls on a daily basis. His interest in this kind of sex was obvious to the people around him. The activities were so obvious

and bold that anyone spending any significant time at one of Epstein's residences would have clearly been aware of what was going on.

18. Epstein's code word for sexual encounters was that it was a "massage". At times the interaction between Epstein and the girls would start in a massage room setting, it was always a sexual encounter and never just a massage.

19. In addition to constantly finding underage girls to satisfy their personal desires, Epstein and Maxwell also got girls for Epstein's friends and acquaintances. Epstein specifically told me that the reason for him doing this was so that they would "owe him," they would "be in his pocket," and he would "have something on them." I understood him to mean that when someone was in his pocket, they owed him favors. I also understood that Epstein thought he could get leniency if he was ever caught doing anything illegal, or more so that he could escape trouble altogether.

20. Ghislaine Maxwell was heavily involved in the illegal sex. I understood her to be a very powerful person. She used Epstein's money and he used her name and connections to gain power and prestige.

21. One way to describe Maxwell's role was as the "madame." She assumed a position of trust for all the girls, including me. She got me to trust her and Epstein. It turned out that Maxwell was all about sex all the time. She had sex with underage girls virtually every day when I was around her, and she was very forceful.

22. I first had sexual activities with her when I was approximately 15 at the Palm Beach mansion. I had many sexual activities with her over the next several years in Epstein's various residences plus other exotic locations. I had sex with Maxwell in the Virgin Islands,

New Mexico, New York, as well as France and many other locations. I also observed Maxwell have sex with dozens of underage girls.

23. Maxwell took pictures of many of the underage girls. These pictures were sexually explicit. Maxwell kept the pictures on the computers in the various houses. She also made hard copies of these images and displayed them in the various houses. Maxwell had large amounts of child pornography that she personally made. Many times she made me sleep with other girls, some of whom were very young, for purposes of taking sexual pictures.

24. Harvard law professor Alan Dershowitz was around Epstein frequently. Dershowitz was so comfortable with the sex that was going on that he would even come and chat with Epstein while I was giving oral sex to Epstein.

25. I had sexual intercourse with Dershowitz at least six times. The first time was when I was about 16, early on in my servitude to Epstein, and it continued until I was 19.

26. The first time we had sex took place in New York in Epstein's home. It was in Epstein's room (not the massage room). I was approximately 16 years old at the time. I called Dershowitz "Alan." I knew he was a famous professor.

27. The second time that I had sex with Dershowitz was at Epstein's house in Palm Beach. During this encounter, Dershowitz instructed me to both perform oral sex and have sexual intercourse.

28. I also had sex with Dershowitz at Epstein's Zorro Ranch in New Mexico in the massage room off of the indoor pool area, which was still being painted.

29. We also had sex at Little Saint James Island in the U.S. Virgin Islands. I was asked to give Dershowitz a massage on the beach. Dershowitz then asked me to take him somewhere more private, where we proceeded to have intercourse.

30. Another sexual encounter between me and Dershowitz happened on Epstein's airplane. Another girl was present on the plane with us.

31. I have recently seen a former Harvard law professor identified as Alan Dershowitz on television calling me a "liar." He is lying by denying that he had sex with me. That man is the same man that I had sex with at least six times.

32. Epstein made me have sex with Prince Andrew several times. Prince Andrew, Maxwell, and I are shown in the photograph below. I had sex with him three times, including one orgy. I knew he was a member of the British Royal Family, but I just called him "Andy."

33. One day when I was in London (specifically in a townhouse that is under Maxwell's name), I got news from Maxwell that I would be meeting a prince. Later that day, Epstein told me I was meeting a "major prince." Epstein told me "to exceed" everything I had been taught. He emphasized that whatever Prince Andrew wanted, I was to make sure he got.

34. Eventually Prince Andrew arrived, along with his security guards. The guards then went out of the house and stayed out front in their car. It was just Epstein, Maxwell, and me inside alone with Andy. I was introduced to the Prince, and we kissed formally, cheek to cheek.

There was a lot of legal discussion about Andy and his ex-wife ("Fergie"). Then the discussion turned to me. Maxwell said "guess how old she is." Prince Andrew guessed 17.

35. Then we all went to a Chinese restaurant for dinner and then to Club Tramp, a fancy "members only" night club in central London. Andy arranged for alcohol to be provided to me at the club. Eventually we left. I rode with Epstein and Maxwell back to the townhouse. On the way there, Epstein and Maxwell informed me that the Prince wanted to see "more of me" that night. Andy traveled in a separate car with his guards.

36. We all arrived back at the townhome and went upstairs. Epstein took a picture of me and Andy with my own camera. The picture above is that picture, which has been widely circulated on the internet. Andy has his left arm around my waist and is smiling. The picture was developed on March 13, 2001, and was taken sometime shortly before I had it developed. I was 17 years old at the time.

37. I wanted a picture with the prince because I was keeping in contact with my family. I had told my mom and my grandma that I was meeting Prince Andrew and that I'd take a picture for them. They told me to "be careful."

38. After the picture, Epstein and Maxwell kissed me and said to "have fun." They left Andy and me alone upstairs. We went to the bathroom and bedroom, which were just steps away from where the picture was taken. We engaged in sexual activities there. Afterwards, Andy left quickly with his security.

39. I chatted with Epstein about this the next day. I told him, "it went great." Epstein said something to the effect of, "You did well. The Prince had fun." I felt like I was being graded. It was horrible to have to recount all these events and have to try to meet all these needs

and wants. I told Epstein about Andy's sexual interests in feet. Epstein thought it was very funny. Epstein appeared to be collecting private information about Andy.

40. When I got back from my trip, Epstein paid me more than he had paid me to be with anyone else – approximately $15,000. That money was for what I had done and to keep my mouth shut about "working" with the Prince.

41. The second time I had sex with Prince Andrew was in Epstein's New York mansion in spring 2001. I was 17 at time. Epstein called me down to his office. When I got there, Epstein was there, along with Maxwell, Johanna Sjoberg, and Andy. I was very surprised to see him again. Epstein and Maxwell were making lewd jokes about "Randy Andy".

42. I had the impression that Andy had come there to see Epstein and to have sex me with. There was no other apparent purpose for Andy to be there.

43. I was told to go upstairs with Andy and to go to the room I thought of as the "dungeon" (the massage room, but it is really scary looking). I had sex with Andy there. I was only paid $400 from Epstein for servicing Andy that time.

44. The third time I had sex with Andy was in an orgy on Epstein's private island in the U.S. Virgin Islands. I was around 18 at the time. Epstein, Andy, approximately eight other young girls, and I had sex together. The other girls all seemed and appeared to be under the age of 18 and didn't really speak English. Epstein laughed about the fact they couldn't really communicate, saying that they are the "easiest" girls to get along with. My assumption was that Jean Luc Brunel got the girls from Eastern Europe (as he procured many young foreign girls for Epstein). They were young and European looking and sounding.

45. Afterwards we all had dinner by the cabanas. The other girls were chatting away among themselves, and Epstein and the Prince chatted together. I felt disgusted, and went

quickly to my own cabana that night and went to sleep. Prince Andrew must have flown out early the next morning, as I did not see him when I got up.

46. I have seen Buckingham Palace's recent "emphatic" denial that Prince Andrew had sexual contact with me. That denial is false and hurtful to me. I did have sexual contact with him as I have described here – under oath. Given what he knows and has seen, I was hoping that he would simply voluntarily tell the truth about everything. I hope my attorneys can interview Prince Andrew under oath about the contacts and that he will tell the truth.

47. I also had sexual intercourse with Jean Luc Brunel many times when I was 16 through 19 years old. He was another of Epstein's powerful friends who had many contacts with young girls throughout the world. In fact, his only similarity with Epstein and the only link to their friendship appeared to be that Brunel could get dozens of underage girls and feed Epstein's (and Maxwell's) strong appetite for sex with minors.

48. Brunel ran some kind of modeling agency and appeared to have an arrangement with the U.S. Government where he could get passports or other travel documents for young girls. He would then bring these young girls (girls ranging in age from 12 to 24) to the United States for sexual purposes and farm them out to his friends, including Epstein.

49. Brunel would offer the girls "modeling" jobs. A lot of the girls came from poor countries or poor backgrounds, and he lured them in with a promise of making good money.

50. I had to have sex with Brunel at Little St. James (orgies), Palm Beach, New York City, New Mexico, Paris, the south of France, and California. He did not care about conversation, just sex.

51. Jeffrey Epstein has told me that he has slept with over 1,000 of Brunel's girls, and everything that I have seen confirms this claim. Epstein, Brunel, and Maxwell loved orgies with

kids – that is, having sexual interactions with many young teenagers at the same time. Sometimes as many as ten underage girls would participate in a single orgy with them. I personally observed dozens of these orgies. The orgies happened on Epstein's island in the U.S. Virgin Islands, in New Mexico, Palm Beach, and many other places. Most of the girls did not speak English. It was my understanding that the girls had been persuaded to come by Brunel offering them illegal drugs or a career in modeling. Brunel was one of the main procurers of girls.

52. In addition to Ghislaine Maxwell, [redacted], and [redacted] were also involved in the orgies. At this stage, I am hopeful that these other women will come forward and tell the truth about everything because that will help prevent future similar abuse.

53. I have seen reports saying or implying that I had sex with former President Bill Clinton on Little Saint James Island. Former President Bill Clinton was present on the Island at a time when I was also present on the Island, but I have never had sexual relations with Clinton, nor have I ever claimed to have had such relations. I have never seen him have sexual relations with anyone.

54. I now understand that Epstein reached a non-prosecution agreement with the federal government in 2007 and pled guilty to two state crimes in June 2008. I now know that I was identified by the federal government as one of Epstein's and his co-conspirator's sexually abused victims. However, no one told me about those events until after they happened.

55. On September 3, 2008, the FBI sent a victim notification letter to me. This was the first written communication I had received from the FBI. The letter is attached as Exhibit 1. The letter describes an agreement in which compensation would be made victims of Epstein's

sexual abuse. The letter also said that the federal government was going to "defer federal prosecution." No one had told me about deferring federal prosecution before this.

56. In 2011, two FBI agents, called me in Australia and then came to meet me. They met me at the U.S. Consulate in Sidney. They seemed to be very professional and hard working. I thought to myself, "Wow, these people will do the right thing against the bad guys and protect me."

57. The agents were mainly focused on Epstein but while there I provided them some information about others who were involved in illegal acts as well. I was aware that a false statement to these law enforcement officers was a crime and I told the truth – giving them the information that I could recall about the individuals they inquired about.

58. Epstein also trafficked me for sexual purposes to many other powerful men, including politicians and powerful business executives. Epstein required me to describe the sexual events that I had with these men presumably so that he could potentially blackmail them. I am still very fearful of these men today.

59. I will continue to cooperate fully in the investigation and prosecution of Epstein, Maxwell, or any of their friends who participated in the sexual abuse of minors. I also hope that this information is treated in a way that will keep me safe from Epstein and others criminals identified here so as to encourage more victims of similar crimes to come forward. If these crimes are not prosecuted, despite my volunteering this information and cooperation, then it may deter other similar victims from coming forward.

60. In this affidavit, I have tried to focus on how I was trafficked for sexual purposes. I have not described all of the details of the sexual activities Epstein forced me to have. Also, I have not described all of the details of the other events discussed here. If a judge wants me to

present my information in more detail, including more specific descriptions of the sexual activities with the men Epstein sent me to, I could do so.

61. I have directed my attorneys, Bradley J. Edwards and Paul G. Cassell, to pursue all reasonable and legitimate means to have criminal charges brought against these powerful people for the crimes they have committed against me and other girls. They are representing me in this case pro bono.

62. Since I filed my motion in this case, my credibility has been attacked. I am telling the truth and will not let these attacks prevent me from exposing the truth of how I was trafficked for sex to many powerful people. These powerful people seem to think that they don't have to follow the same rules as everyone else. That is wrong. I hope that by coming forward, I can help expose the problem of sex trafficking and prevent the same sort of abuse and degradation that happened to me from happening to other girls.

63. I declare under penalty of perjury that the foregoing is true and correct.

Executed this 19th day of January, 2015.

(Location of signature left undisclosed for security reasons)

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IN THE CIRCUIT COURT OF THE 17TH
JUDICIAL CIRCUIT IN AND FOR
BROWARD COUNTY, FLORIDA

CIVIL DIVISION

BRADLEY J. EDWARDS, and
PAUL G. CASSELL,

Plaintiffs,

v.

ALAN DERSHOWITZ,

Defendant.
_____/

CASE NO. CACE 15-000072

CONSOLIDATED REPLY IN SUPPORT OF NON-PARTY JANE DOE NO. 3[1] AND BOIES, SCHILLER & FLEXNER LLP's MOTIONS TO QUASH OR FOR PROTECTIVE ORDERS REGARDING SUBPOENA SERVED ON THE NON-PARTIES

Defendant served virtually identical subpoenas on non-party Giuffre, and her counsel Boies, Schiller & Flexner LLP ("BSF"). In an effort to conserve judicial resources, the non-parties are submitting a consolidated reply requesting that this Court quash the unreasonable and oppressive subpoenas pursuant to Florida Rules of Civil Procedure 1.410(c)(1), or alternatively, issue protective orders sharply limiting the scope of the abusive subpoenas pursuant to Florida Rules of Civil Procedure 1.280(c).

INTRODUCTION

After publicly stating that his main goal in seeking discovery from Giuffre is to put her in "jail"[2], Defendant served this non-party with a subpoena containing twenty five (25) unreasonable and oppressive requests. It is without question that Giuffre was sexually abused as

[1] Jane Doe No. 3 is Virginia Roberts Giuffre, and will hereinafter be referred to as "Giuffre."

[2] *See* Exhibit 1, CNN International, New Day, January 6, 2015. *See also* Exhibit 2, Australian Broadcasting System (ABC), January 6, 2015. "**My goal is to bring charges against the client and require her to speak in court.**"

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Jeffrey Epstein. Defendant spends over five (5) pages discussing the federal action and eleven (11) of his subpoena Requests (Jane Doe Subpoena 1, 5, 6, 7, 8, 9, 12, 13, 14, 22 and 24; BSF Subpoena 3, 6, 7, 8, 9, 10, 12, 13, 14, 19 and 22) relate to the federal action or Jeffrey Epstein.

For example, Request 24 seeks "All documents concerning, relating or referring to your assertion that you met former President Bill Clinton, former Vice President Al Gore and/or Mary Elizabeth "Tipper" Gore on Little Saint James Island in the U.S. Virgin Islands." Defendant claims that this discovery would go to the issue of whether or not Giuffre is telling the truth about Defendant – but that effort at impeachment is clearly collateral at best and fails to address the central issue in this case. That issue is whether the Defendant had any basis to support his media assault against two lawyers claiming that they fabricated and then publicly filed false charges of criminal conduct on the part of the Defendant. It is the Defendant's credibility and not the credibility of Giuffre that is the focus of this defamation action. Defendant suggests that Giuffre must be a liar because it would be unheard of for one of Epstein's young girls to have met President Clinton. Quite the opposite is true. There are a number of accounts documenting Clinton's regular visits with Epstein. For example, Chauntae Davies recently showed pictures on The Inside Edition program of her travels with other young women in the company of Bill Clinton and Jeffrey Epstein on Epstein's plane. *See* Exhibit 4, *'Lolita Express' Masseuse Reveals Lurid Details from Jeffrey Epstein's Private Plane For the Rich*, Inside Edition, April 27, 2015. The Epstein flight logs also demonstrate that former President Bill Clinton traveled with Jeffrey Epstein and other young women. *See* Exhibit 5, The Gauker, January 22, 2015. All of that information, while no doubt interesting, is irrelevant to the defamation issue before this Court except to the extent it casts doubt on the Defendant's own credibility.

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EXHIBIT B

Professor Alan Dershowitz
Harvard Law School
1575 Massachusetts Avenue
Hauser Hall 518
Cambridge, MA 02138

Hon. Louis J. Freeh
Mobile: 202.215.8321
[redacted]

January 22, 2016

RE: FOIA Request

Dear Professor Dershowitz:

As you know, on April 6, 2015, a request was made to the United States Secret Service under the federal Freedom of Information Act (FOIA; 5 U.S.C. Sec. 552), relating to the period 1/01/01 to 1/1/03, for "any and all shift logs, travel records, itineraries, reports and other records for USSS personnel traveling with former President Bill Clinton to Little St. James Island and the US Virgin Islands" (Attachment A).

The basis of the above-described FOIA request was a claim by Virginia Roberts, in court papers filed in early 2015 in Florida federal court, that she and former President Clinton were on Little St. James Island at the same time during the 1/01/01 to 1/1/03 period.

As set forth in a January 16, 2016 letter from Kim E. Campbell, United States Secret service Special Agent In Charge, Freedom of Information Act and Privacy Act Officer, the "USSS has conducted a reasonable search for responsive records. It appears, from a review of USSS main indices, that there are no records pertaining to your request that are referenced in these indices" (Attachment B).

I therefore conclude from this response that former President Clinton did not in fact travel to, nor was he present on, Little St. James Island between January 1, 2001 and January 1, 2003.

Based upon my experience and knowledge of the duties, protocols and operations of USSS Protective Details, the Special Agents accompany and escort former President Clinton 24 hours per day, and would have certainly went with him to Little St. James Island during the period at issue. If the Agents had accompanied the former President to that location, they would had been required to make and file shift logs, travel vouchers and related documentation relating to the visit.

The total absence of any such records and documentation, in my opinion, strongly establishes that former President Clinton was not present on Little St. James Island during the period at issue.

Best Regards,

Louie Freeh

DEPARTMENT OF HOMELAND SECURITY
UNITED STATES SECRET SERVICE
WASHINGTON, D.C. 20223

Freedom of Information Act and Privacy Act Branch
Communications Center
245 Murray Lane, SW, Building T-5
Washington, D.C. 20223

Date: JAN 15 2016

Patti Bescript
3711 Kennett Pike, Suite 130
Wilmington, DE 19807

File Number: 20150826

Dear Requester:

This is the final response to your Freedom of Information Act/Privacy Acts (FOIA/PA) request originally received by the United States Secret Service (USSS) on April 16, 2015, for information pertaining to any and all shift logs, travel records, itineraries, reports, and other records for USSS personnel traveling with former President Bill Clinton to Little St. James Island and the US Virgin Islands.

In response to your request, the USSS has conducted a reasonable search for responsive records. It appears, from a review of USSS main indices, that there are no records pertaining to your request that are referenced in these indices. Enclosed is a copy of your original request.

Alternatively, if you deem our decision an adverse determination, you may exercise your appeal rights. Should you wish to file an administrative appeal, your appeal should be made in writing and received within sixty (60) days of the date of this letter, by writing to: Freedom of Information Appeal, Deputy Director, U.S. Secret Service, Communications Center, 245 Murray Lane, S.W., Building T-5, Washington, D.C. 20223. If you choose to file an administrative appeal, please explain the basis of your appeal and reference the case number listed above.

If you have any questions or would like to discuss this matter, please contact this office at (202) 406-6370. FOIA File No. 20150826 is assigned to your request. Please refer to this file number in all future communication with this office.

Sincerely,

for Kim E. Campbell
Special Agent In Charge
Freedom of Information Act & Privacy Act Officer

Enclosure: Copy of Original Request

Patti Bescript
3711 Kennett Pike
Suite 130
Wilmington, DE 19807
302 824 7144

April 6, 2015

Delores Barber
Deputy Chief FOIA Officer, Director, Disclosure & FOIA, The Privacy Office
Department of Homeland Security
Headquarters & Privacy Office
Building 410 - STOP-0655
245 Murray Drive, SW
Washington, DC 20528-0655

FOIA REQUEST

Dear FOIA Officer:

Pursuant to the federal Freedom of Information Act, 5 U.S.C. § 552, I request access to and copies of For the period 1/1/01 to 1/1/03, any and all shift logs, travel records, itineraries, reports, and other records for USSS personnel traveling with former President Bill Clinton to Little St James Island and the US Virgin Islands.

I agree to pay reasonable duplication fees for the processing of this request.

If my request is denied in whole or part, I ask that you justify all deletions by reference to specific exemptions of the act. I will also expect you to release all segregable portions of otherwise exempt material. I, of course, reserve the right to appeal your decision to withhold any information or to deny a waiver of fees.

I look forward to your reply within 20 business days, as the statute requires.

Thank you for your assistance.

Sincerely,

Patti Bescript

FREE GROWTH AND OTHER SURPRISES

Draft

Gordon Getty

FOREWORD BY THE AUTHOR

How Come This Book?

A few months ago, Robert Trivers was kind enough to send me his new book. The title is "Wild Life". Perfect two ways. Bob is a world authority on wildlife, to wit evolutionary biology. But his books and papers about that are already well known. His new one is about his own wild life, with his ideas in the background.

I've started my own book three for four times over the past decade. Bob's got me started again. Try it. It's Bob's real voice. One of his papers, co-authored by Huey Newton(!), is about deception and self-deception. I never saw much of either in Bob. I never saw a guy less anxious to impress. Fine if you knew his achievements, and fine if you didn't. What he wanted to talk about was great new ideas by others. It was from him that I first heard about the Hamilton-Zuk parasite theory, and Paul Ewald's complementary one about parasites stabilizing population density of hosts. Both are beautiful examples of the obvious-in-hindsight.

I realized that my book could take a cue from his. My own life hasn't been wild. It has been interesting because the genius of my father gave me interesting places to be and things to do. I could say something about that.

But the book would be mostly about my ideas in economics. Bob's ideas are well known to anyone in his field. Mine aren't. I'm ten years older than Bob, without much to show for it except in composition. (My last two operas have been getting some traction, and my SACDs get pretty good radio time.) So I'll run my economic ideas up the flagpole, in my real voice, and see if they prove deception or self-deception or something worth the time.

Declaring My Biases

I'm a big free market fan. I would love it even if I agreed with socialists that there is something inherently iniquitous about it. There are bad guys and conflicted motives

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in markets and government both. What I love about it is the chance to prove ideas. I love Wall Street innovations such as swaps and futures and ETFs and mortgage-backed securities, even admitting their dangers. And who would have thought that the San Francisco Bay area, a stronghold of political correctness at the voters' booth, would nonetheless innovate Siri and Alexa and driverless cars, in its free market havens here and there, over the past five years? Remind me the last innovation by a committee. Who would have thought we would make the world's best car, the Tesla, in this labor stronghold? It takes guys who *prefer* the impossible. It takes guys like my father.

Yes, that was J. Paul Getty. I'll declare a bias for him. His faults were just what we read they were. I liked them fine. My times with him, with an exception I'll note in Chapter 1, are some of my favorite memories. I seem to be the opposite of pharaohs who began their reigns by chiseling off their father's names from the monuments and substituting their own. That was something about a ticket to the afterlife. I put my father's name on things I build. The afterlife will come as it comes.

Since this book is about growth first, I should say how I feel about growth. Most economists, which I'm anything but, treat it as a goal. I love innovation, which has translated to growth, while worrying plenty about growth itself. What happens when anyone can make a doomsday weapon on his desktop? Depressed people do away with themselves every day. Some might take the rest of the world with them if they could. Armageddonist religions wouldn't be needed. Not even destructive intentions need be. A doomsday weapon bought at the five and ten might go off by accident.

Then why do I root for innovation when I'm scared stiff about its consequences? Because alternatives are scarier still. Humans will innovate anyhow, while Big Brother or the religious authorities aren't looking, and I don't like the prospects of innovation driven underground. We'll have to find some way to face the risks and

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manage them. This book doesn't say how. It will open that can of worms, and others too, and try to track some but not all to their destinations. One look leads to another.

This shows that I'm not an optimist in the sense of making rosy predictions. But I seem to show that bias in evaluations. I'm two thirds Panglossian. (Doctor Pangloss was the guy in Voltaire's *Candide* who said that this is the best of all possible worlds.) I side with the good doctor in that I cannot imagine an improvement to this world or to the human race. I see the dangers and evils, such as Armageddonists, as somehow part of the scheme. The world would not be better if it posed no threats and challenges to solve. To solve them is not to wish them away. The stories of Aladdin's lamp and the monkey's paw tell us that each wish after the first is to undo the one before. I think that's what Shaw was telling us in *Don Juan in Hell*. Don Juan and the others are free to go to heaven whenever they like, and occasionally do. They come back because they can't stand the boredom.

Where I find fault, and differ with Pangloss, is as to the doctrines we are taught. Whatever I study, I seem to find a good measure of nonsense taught along with wisdom. This book is about what I find of both in economics. And a problem I try to solve, not wish away, is the danger of losing sight of the points on which Pangloss was right. My verse and music try to remind us.

And I'll admit a bias for the surprises my title promises. I love upending what we had all assumed. Fun! And all the more fun when I can show that famous economists had already seen and said some of the same things I do when we read those economists again. Surprise need not be true novelty. My free growth theory is really John Stuart Mill's, although no one seems to have noticed the paragraph I quote from him. My next generation theory really belongs to my 17th-century rhymesake Sir WilliamPetty, who happens to be my nominee for greatest economist of all time. In a way, I could also credit it to the period of production theorists John Rae, Nassau Senior, William Stanley Jevons and Eugen von Boehm Bawerk. They need only to have considered human and total capital as explained by Petty two centuries before.

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This reveals my bias for economic history. It seems dry as a bone until you find something terrific like those insights. It happens that I had written both theories, and published one, decades before I found those great precedents. Should I have been chagrined? Of course not. Forgotten or unnoticed precedents are at least as much fun to point out as the surprises they showed ahead of me.

I will also reveal a bias for evolutionary biology. Its main axiom, the biological imperative, becomes one of mine. The idea is that behaviors are selected for successful reproduction. I will try to show that the classical school treated this as axiomatic from Petty through Smith, Malthus, Ricardo and Mill. Malthus was only the most obvious case. It lapsed from attention when a brilliant new insight called marginalism preferred to do without explanations for tastes.

Above all comes my bias for the great thinkers in those fields. We saw that as to Bob Trivers. Although I often cite them to disagree with them, I see all as giants from whose shoulders I slip in trying to climb. I don't kick sand on 97-pound weaklings. Mill was a *mensch* who gives us all lessons in attribution and generosity, particularly to schools he disputed, and who nonetheless didn't mind being a minority of one in his books or in parliament.

Petty was something beyond. Polymath, self-made tycoon, anatomist, music teacher, father of national accounts, originator of present value theory and human capital and next generation theory, and esteemed by both Adam Smith and Karl Marx for other innovations I don't mention. Such men are understood slowly and incompletely.

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CHAPTER 1: RECOLLECTIONS

I never finished a course in economics. I started one at the University of San Francisco sixty years ago, and dropped it when I couldn't see the foundations. But the bug had bitten me. I knew that one day I would try on my own.

I always loved logic. My favorite philosophers at USF were the pre-Socratics who liked nothing better than to confound common sense. A brilliantly vexing example was Zeno the Eleatic and his argument that Achilles can never catch up to the tortoise; Achilles must first reach the line where the tortoise was last, and the tortoise has since moved on. Logic can play such tricks. But I sensed that economics was the place to try its limits. Dropping the course didn't mean giving up, and logic would be the key.

Neither did I take a course in business administration or investment. My major was English literature. As a grade schooler I had asked my father about this. Where and what should I end up studying? He had read economics and petroleum geology at Oxford, and I supposed he would advise something like that for me. I got a surprise. Career-oriented majors were fine but not necessary. A grounding in the liberal arts could be as much or more. The trick was to learn how to learn. That sounded right, and anyhow right for me. So I chose USF, a twenty-minute walk from home until my mother moved us to San Rafael, a half hour drive across the Golden Gate Bridge, and followed my intuitions toward English lit and history and music and philosophy.

I graduated with a degree in English lit in 1956. This was the time of skittish peace between the Korean and Vietnam wars, and the Reserve Forces Act meant I had to report for six months active duty starting in the spring of 57. Meanwhile I worked for my father. I and my brother Paul, later Sir Paul, started at the bottom pumping gas and changing oil at separate gas stations not far from our home in San Rafael. That left time for a few weeks at a bulk plant (oil warehouse and tank farm) in San Francisco, still working at the bottom, before I reported. Paul had served in the

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Korean war, and was now exempt. I was a shavetail second lieutenant, thanks to the ROTC program at USF, in the quartermaster branch at Fort Lee, Virginia. My eyesight was never good enough for the combat branches.

Ike, who was then president, had started in the quartermaster too. My military career was not so glorious. Somehow I finished the six months at Fort Lee and seven and half years of inactive duty following, obligating me to one weekend per month at military posts near home, without being promoted even to first lieutenant. By policy, I should have been promoted or busted to the ranks. I later learned that my school chum Manuel Teles, who worked at Fort Presidio in San Francisco, had somehow fixed the record. Thank God for old friends.

My weekends of saluting were postponed when Paul and I went back to work for my father in 1958. My father then lived in the Ritz Hotel in Paris. He liked ordinary two-room suites. The sitting room was his office. His filing system was a steamer trunk. Our job was to sit and listen as he met with executives or art people or old friends. He would usually take us along to lunch and dinner, and wangle us along when he had been invited out. He was the world's most attentive father whenever we were with him, at least, if focused elsewhere when we weren't.

Paul went on to learn refining and marketing in Italy, after those few weeks in Paris, while I went to the oilfields my father had just found and developed in the Neutral Zone between Saudi Arabia and Kuwait. Paul soon learned Italian, became general manager within two years, and ran things well. I learned only a little Arabic, but also became manager in 1959, and soon blundered my way into two weeks' house arrest. I had got crossways with the local emir, Mohammed bin Nasr, not a bad guy, about perks and privileges he and his staff expected Getty Oil to pay for.

The case against me was rigged. One of our junior staff drivers, a Kuwaiti I think, had accidentally rammed and damaged a pipeline. He had fled the country to avoid jail. Jails there were no fun. His supervisor, Jim Kinnell, was warned that he (Jim) was accountable under Saudi law, and would be sent to jail instead. Jim came to me. I realized what was brewing. Laws are flexible, and Jim would have got off with a

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caution at most if I weren't at odds with the governor. I was obviously next. But I was not about to gamble that the threat to Jim was a bluff. I told him that if I were in his shoes, I would go back to England. He did. That left me. But I was in my shoes. The blunders had been mine, and I would face the music.

My two weeks of house arrest went peacefully. The plain cement-block house had been built for my father at our port camp of Mina Saud when he lived in the Neutral Zone in 1953. The Emir's identical house was a few steps away. My father's favorite maple sugar was still in the fridge. I read the few Shakespeare plays I hadn't read in college, and read or reread the complete poems and plays of John Keats.

The house arrest was probably as much dressing-down as I deserved. Paul, or anyone else, would have handled the perks and privileges more adroitly. But our host country, Saudi Arabia, may have picked up on something too. Getty Oil was not one of the concession companies in the Middle East named in the baksheesh (bribery) scandals that made the front pages over the few years remaining before most concessions were negotiated away and host countries ran things themselves.

Back to my father in Scotland, where he was visiting his old friends the Maxwells near Inverness, and then to the two-room suite at the Ritz in London about like the one in Paris. He drove the six hundred miles between, in a vintage Cadillac, taking two days and stopping to visit historic sites and museums. He needed no guidebook. I sat in on meetings and events everywhere with him in London as in Paris. I assumed that the Saudis had cleared the house arrest with him, and I would have agreed as he did. He too was in different shoes. He was right. He had solved a real problem with minimum damage. Lesson learned, and no hard feelings either way.

It was clear to both of us that I was not cut out to be a line officer, meaning one who runs things from day to day. My mind goes off on tangents instead of tracking arguments in real time. It works for me, but not as an administrator. We decided to try me as a consultant.

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That began at my father's Spartan Aircraft Company in Tulsa, Oklahoma. He hadn't meant to buy it. He had bought control of Skelly Oil, centered in Tulsa, and Spartan turned out to be one of its holdings. Then came Pearl Harbor. My father was 48 years old, and had been a yachtsman. He took a navigation course at USC along with kids half his age, led the class, and volunteered for sea duty. His old friend James Forrestal, Secretary of the Navy, steered him to Spartan instead. Spartan could make training planes and could train pilots. My father accepted. He paid himself a salary of one dollar a year.

He had decisions to make when MacArthur and Matzushita signed the peace treaty. The training planes were not meant to leave the ground. Spartan lacked the capacity to make the real thing up to competition. The demand for training planes pretty much ended with the war. My father could sell out or find another use. He decided to make house trailers. It worked. I had lived in a Spartan trailer in the Neutral Zone, like the rest of the senior staff, when I stayed at our Wafra oil field rather than the house at Mina Saud. We and the market had liked them fine.

Herschel Shelton had been one of my father's right-hand men during the conversion to trailers. He said that the place to look for him was never in his office. You would find him in overalls under a trailer on the factory floor, with a welding iron or riveting gun. He liked to be able to do any job his workers did. How else would he know if they were doing it right?

I stayed in my father's house at Spartan, as at Mina Saud. It stood at the opposite end of the runway from the offices and trailer plant. I drove another seasoned Cadillac that my father had left in case he came back. Max Balfour, who ran Spartan, called it a clunker. It clunked me around the countryside on weekends, or to Jamil's restaurant or Cap Balfour's house for dinner, or downtown to the movies or symphony or opera house. Cap (Captain) Balfour had flown in World War I, and showed crippled hands from when his plane caught fire. He was cranky, urbane and razor-sharp. His problem was that Spartan couldn't seem to come out in the black. He worshipped my father, and figured he had let him down. He seems to have

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brought his moods with him after work, which my father generally didn't. That cost him his sunny young wife. I somehow got a pass. I could understand him, and I was my father's son.

My advice in the end was that my father should sell. Meanwhile I was taking an interest in economics again. Business was about rate of return. Spartan's was negative. What was the benchmark? I did a little study.

It is easy to see that return tends to even out from one company or industry to the next. We pour investment into high-return prospects, and unintentionally drive that high return down toward the norm by expanding the capital denominator. I didn't know that Robert Turgot had written the same in 1766. But what struck me was the impression that return, net of inflation, seemed to revert to a norm over time. Why were interest rates, averaged over business cycles, about the same then as in Dante's time or Julius Ceasar's? Why should human impatience be a steady norm? That puzzle nagged me for about a quarter century until I found the answer. Another decade or two would pass before I learned that Sir William Petty had found it in the seventeenth century.

I went home in 1961 to study harmony and counterpoint at the San Francisco Conservatory of Music. I had found time to compose a few things at the house at Mina Saud with a piano I had bought in Kuwait. They included an *a cappella* (unaccompanied) choral setting of Tennyson's "All Along the Valley", and something to which I later fit Emily Dickenson's poem "Beauty Crowds Me" in my song cycle "The White Election". The composer Charles Haubiel published "All Along the Valley" in his Composers' Press in Los Angeles in 1959. The one change he suggested, an unexpected D flat major resolution, is the best touch in the piece. I had noticed copies in music shops in Tulsa. So it seemed about time to develop that interest too, and the conservatory back home seemed the logical place.

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I studied there from fall 1961 through spring 1962. I was probably the only composition student already published. My teacher in both the fall and spring classes was Sol Joseph. He was a legend there. Most of what he taught confirmed my instincts. Maybe five percent was old rules I didn't think much of, and five percent good ideas that hadn't occurred to me. All was useful anyhow as a guide to what leading authorities have thought and taught. That was the point. We were to accept what we liked, and anyhow learn the lingo.

Those two courses covered traditions of the eighteenth and nineteenth centuries. Most composers in the 1960s, and probably some or most of my classmates, thought of that as a stepping stone toward study of the serialism and other atonalism then in vogue. I skipped those classes. I realized that I was a nineteenth-century composer at heart. Now the world seems to have spun back to where I was all along. For most composers now, atonalism is one of the colors on our palettes. Even I use some. So did Bach. We reach for that color when we want to express disorientation or angst. I found I could get more said most of the time with major-minor scales.

Five short piano pieces I wrote then were published by Belwin Mills in 1964. As my father's son, you might imagine that I was asked to pay the costs. Nope. Neither had I paid a cent to Composers' Press. Vanity press exists, but that was not the business model of those two firms. I got standard royalties from sales, not amounting to much, and they got the rest.

Six published pieces by age 31 would not have impressed Mozart or Schubert. By lesser standards, it was a pretty good start. There are distinguished composers who have never found a publisher. Tomorrow the world! I would write operas and symphonies! What happened instead was sixteen years of writer's block, or eighteen since finishing the pieces in 1962. I suppose I was trying to say "Shazam!" and turn into something I wasn't. The ice would break in 1980, when I realized that Billy Batson would have to do. But that gets me ahead of my story.

I married Ann in 1964, making it a banner year on that count even more than the publication, and went back to work for my father. That took us to New York in 1965.

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Tidewater Oil Company, which would merge into its parent Getty Oil Company a few years later, had red ink problems in its Eastern Division. My job was to see why. Eastern Division was run by "Jim" Jiminez, an upbeat guy I liked. I don't think he took the red-ink problems home with him as Cap Balfour had. He reported to my half-brother George at corporate headquarters in Los Angeles, and George reported to my father in London. George had earned his job as president by outstanding performance at every level on the way up, which is more than you could say for me in the Neutral Zone. But George was touchy. He had a chip on his shoulder. I think my father liked to ride him, and he sometimes felt unappreciated. You have to shrug that off. George was doing fine. The problem in Eastern Division was not in him, and it was not in Jim Jiminez. Then what?

I looked at the books. The red ink had nothing to do with management. Eastern Division did refining and marketing. Its new refinery in Delaware had been optimized to process heavy Wafra crude oil, which then was over a dollar cheaper per barrel on the market than the lighter and easier-to-refine crude we produced in Texas and the Central Basin. Tidewater's Western Division refinery at Martinez, by contrast, had all the cheap oil it needed in our own San Joaquin field. The Martinez refinery was old, and more expensive to operate. But the net advantage still went to Western Division by about a dollar per barrel. Meanwhile gasoline sold for about a dollar less per barrel, although only two or three cents less per gallon, in the refinery-loaded east than in California.

Management can't do much about import quotas and market conditions. I reported to my father that Eastern Division was at least as well run as Western Division, where the ink was black thanks to cheaper crude and pricier gasoline.

Then could we cut costs or boost receipts in other ways? I proposed that we close our old and inefficient Boston Harbor terminal, where barges unloaded gasoline into our tank farms to be trucked to stations, and supply Boston from our new terminal at Providence two hours' drive away. If that worked, other distribution consolidations seemed possible. I later proposed much the same thing for our

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operations in Japan, where the new terminal at Kawasaki could theoretically obviate the older and clumsier one in Tokyo Harbor. I realized that plant-closing might be unthinkable in Japan, but thought that something good might come of the idea.

Sometime a little later came my lawsuit against my father. It isn't my happiest memory. There had been a stock dividend years before, when I was still in school. We had treated it a certain way on the books. I read the law as saying it should have been treated another way. The law was probably on my side, and common sense on my father's. Judge Peery wisely found a way to make common sense win in the end. Meanwhile I had accused my father of nothing worse than oversight. My visits to Sutton Place, now with Ann and the boys, went the same as before. The lawsuit seldom came up and was discussed in easy terms when it did. I suggested to him, for example, that he might want to settle with my stepmother Teddy in case there could be claims by the estate of my late half-brother Timmy. He did. Somehow we got through the lawsuit without bad blood. One would not have guessed so much was at stake. The stock dividend had been a huge one. What I learned from my father, then most of all, was perspective. He believed in an even keel. Zeno the Stoic, not the Eleatic, would have met his match.

The lawsuit lasted from 1966 through 1971. In hindsight, thank gosh he won. If I had, tax consequences would have been ugly all around. Again I had learned a lesson, and again there were no hard feelings either way.

I continued to do consulting jobs for him throughout the lawsuit and after. I charged expenses, but no fee. And I didn't pad expenses. If I had, you can believe he would have seen it. I stayed in a single room in the best hotels, ate three squares a day, and paid for anything else myself. I was trying to make the point that I didn't want to be paid. Neither had my father at Spartan during the war. The idea was for me to be of use. I was paid like everyone else when working for my father full-time, but never on consulting jobs.

Those now came once or twice a year, and lasted for a week or two each. Composing was still on the back burner. I was keen on physics, economics, human origins and

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city planning. It became clear that all but the third needed better math skills than I had. So I bought the Barnes and Noble textbook on College Mathematics, got through it in a week of hard work, and then began on the Johnson and Kiokemeister textbook on calculus along with Halliday and Resnick on physics. Together they took me nearly a year. At the end, I was allowed to sit in on the freshman physics finals at Cal Berkeley, where the same two textbooks were taught.

It was the finals for physics majors, and meant to be tough. Cal took physics seriously. Not every freshman was destined to go farther. Some should be steered towards engineering, which pays better anyhow. There were 10 questions. Three hours were allowed. Each of us had a calculator and nothing else. Not even a table of integrals. My God. I had to remember them or rederive them. There are some that had taken even Newton and Leibnitz months to solve. I don't remember any of the questions. There were 200 to 300 kids in the room. Maybe 20 or 30 orientals, about three women, no blacks. Not one finished early. And some figure to be Nobelists by now. We're talking about Cal. I had answered seven questions when the three hours were up. Was that good enough? I got a call in a few days. I passed, and beat the class average.

My old friend Matt Kelly warned me about this time that George was in trouble. Matt had known George's new wife Jackie, and had been invited to dinner there. Matt's impression was of out-of-control mood changes. He said that George at one point had drawn him aside, shown a pistol and warned him about paying too much attention to Jackie. The next minute they were back at the table in jolly spirits. I learned later what was wrong. George thought he had a weight problem, although I never noticed one. Doctors prescribed amphetamines in those days to control appetite. They revved him up and made it hard to sleep at night. So the same doctors prescribed barbiturates at night to get him to sleep. Uppers and downers are dangerous enough. Add a drink or two and you've got trouble.

Of course I should have told my father. But I didn't want to be the one. I liked to boost my brothers. Many must have seen the symptoms Matt saw. Let them break

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the news. But the others must have felt as I did. We waited too long. I got a phone call in 1973. George had died at Mount Sinai Hospital. There was an empty bottle of sleeping pills.

My father's death came in 1976. Ann and I had got word it was coming a few weeks before. We were there. So was Norris Bramblett, an accountant who had worked for my father since I was in school. My father trusted him. So did I. He had only a fourth grade education, but a PHD's worth of character and sense. My father, Zeno the Stoic when things got tough, cracked jokes to the end. Norris alone could understand him by then. He translated patiently. My father was giving me one more lesson. He lapsed into a coma. Ann and I were called down from our bedroom when he died.

That left me and Lansing Hays co-trustees of the trust controlling his companies. Lansing ran the law firm that handled nearly all my father's business and little else. It was a big job. Lansing was smart, abrasive, and dead honest. He didn't mind hurting people's feelings. I was not immune. It didn't matter. It wouldn't have mattered to my father. What mattered was that Lansing knew what trust meant, and put the Trust first. That's what I cared about.

Lansing was already on the Getty Oil board. I was invited to join too. We met four times a year, most often in Los Angeles. Harold Berg, an oil engineer from Colorado, had become CEO (chief executive officer) and chairman after George died. Sid Petersen, an accountant, was COO (chief operating officer). Harold was a warmer and more approachable personality. That's what you'd expect in an oilfield guy. Sid was reserved and analytical. That's what you might expect from an accountant, although Norris Bramblett fit anything but the stereotype. Harold and Sid were both clearly well chosen. Neither then nor later did I doubt that Getty was run at least as well as its big oil rivals.

The board too were top people. But trouble was brewing. The trust, meaning Lansing and I, owned about 43% of the shares. The Getty Museum, also chaired by Harold, owned another 11%. Boards and managers prefer scattered ownership, so that they can operate more freely. Second-best would be concentration in docile

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hands happy to follow the board's guidance. But my father had made it clear to Lansing and me that we were to trust our judgment. We should be ready "to vote the management in and out." Since stockholders elect boards and boards hire managers, that meant to vote the board in and out.

No wonder they were concerned. Lansing and I were both boat-rockers. Wouldn't it be safer if there were a corporate co-trustee? These are usually safety-minded banks, and many banks did business with Getty Oil.

Concerns rose when Lansing died in 1972. That left me as the sole trustee. I was less obstreperous than Lansing, but also less predictable. Hostile takeovers were common then, where bids are made directly to shareholders rather than cleared through the board. Getty was rich in oil reserves per dollar of share price. It could be a target. Board members tend to feel that they know stockholders' interests best, and that the angels are on the side of "friendly" or board-approved takeovers if any at all. Stockholders don't necessarily feel that way.

Temperatures rose when I pushed serious study of the possibility of taking Getty private. The idea was to give up our corporate structure to escape the corporate double tax. Management and its investment banker, Goldman Sachs, advised against. I now think they were right, although my idea had good precedents. I pressed on, unwisely, by trying to convince the Museum to back me. They had better sense.

It was time to heal the breach. Marty Lipton of Wachtell, Lipton, a top mergers and acquisitions law firm, represented the Museum. He proposed a moratorium (the "tripartite agreement") where the Trust, Museum and company would hold the status quo for one year. Harold Berg had retired as chairman of Getty Oil, and Sid was now chairman and CEO. His COO was Bob Miller, a keen petroleum engineer. Harold Berg still chaired the Museum, although Harold Williams was its CEO and main voice. We all signed. But Getty Oil had its fingers crossed. A few days later, the company petitioned the court to appoint a co-trustee. It proposed Bank of America. B of A's chairman, Chauncey Medberry, sat on the Getty Oil board. Paul and George's daughters joined the plaintiffs.

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The Museum was more outraged than I was. Marty felt that he had been used. He and Harold Williams, a business-savvy guy who had chaired the SEC under Jimmy Carter, realized that if I could be hog-tied, the Museum with its 11% was the next domino.

This was in November of 1983. Within a few weeks, the Museum and I signed a "consent of shareholders" taking over the company. The required public disclosure of this, on top of the tripartite agreement and co-trustee lawsuit before, was blood in the water.

Pennzoil launched a hostile takeover bid in December. My concern was that the trust should not be locked in a minority position. I met with Pennzoil in New York. We resolved that to my satisfaction. The Getty Oil board met, also in New York, on January fourth. The mood was not sunny. Harold Stuart, one of the brightest and finest board members, assumed that I had invited the Pennzoil bid. Chauncey Medberry thought I should be sued. But Sid and the board acted responsibly overall. We countered with a higher price, Pennzoil accepted, and we went home thinking we had a deal.

Texaco offered a higher bid two days later. Was Getty Oil already bound to Pennzoil? Its lawyers and mine said it wasn't until the final agreement was signed. I had my doubts. But I liked Texaco's offer better, and my duty was clear. The Trust and Museum would be paid cash for their shares, rather than locked in. I had insisted on language in the Pennzoil agreement that bound me only as "consistent with my fiduciary duty." My duty, in the light of legal advice, was to accept Texaco's offer. I did, and voted the same way as a member of Getty's and the Museum's board. Those were fiduciary duties too.

Pennzoil sued Texaco, and eventually won punitive damages of some eleven billion dollars. The Museum and Trust had cashed out. We were not parties. The Pennzoil and Texaco filings both spoke well of me. But there was still the lawsuit seeking a corporate co-trustee. That would have been very dangerous before the sale to Texaco cashed us out. A corporate co-trustee might well have assented to "corporate

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defenses" blocking a sale and effectively locking the trust in a minority position. But now that danger was over. The remaining plaintiffs were my three nieces and Paul. I couldn't blame them. How could a corporate co-trustee hurt?

But I was still worried. I now wanted to split up the trust into four separate ones for my family, Paul's, George's, and my other half-brother Ronnie's. Corporate co-trustees tend to prefer the safety of acting only as required, and anyhow might not be keen to vote themselves out of a job.

Were Paul and my nieces mad at me? Believe it. Lawsuits get that way. Lawyers on both sides say nasty things. That lasted because splitting the Trust took time. The math was easy, but the legal precedents were vague. My lawyer, Mose Lasky, thought we needed new California law. Plaintiff's counsel didn't think so. I was accused of stalling. Someone had the bright idea to approach Willy Brown as Speaker of the Senate. The law Mose wanted had already worked in other states, and Willy liked it. He pushed it through. Problem solved. The Trust was split into four in 1988, and an unhappy chapter ended. My nieces and I are as close as ever. So were Paul and I until his death in 2002.

My interests by the time of the split were composing, verse, economics, human origins and evolutionary biology. Composing was going pretty well. My writer's block had melted away in the summer of 1980. Ann and I and the boys were in Paris then. We wandered into Smith's English language bookstore. I bought the Thomas Johnson variorum of Emily Dickenson's 1800-odd poems. "Variorum" means including Emily's own variations when she mailed the same poem to different people, or put a copy in the chest at the foot of her bed.

I read them all over the next two days. Emily had been one of my favorites at USF. She died in 1886. She had published only eleven poems. Squabbles among the heirs delayed publication of about half the rest until Johnson published them in 1959, three years after I graduated. Many already published had been "bowdlerized" to fit conventional rhyme and grammar. Johnson gave us the real McCoy from her manuscripts. All was new to me.

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I had no piano in our hotel room in Paris, but set a few of the poems in my head to write down later. More followed. One of her poems I didn't set begins "Mine by the right of the white election…" Election meant choice. Her white smock hangs today by her bed in Amherst where she was born and died. White is the color of weddings and burials. Her choice, I think, was a death marriage to the reverend Charles Wadsworth of the Arch Street Church in Philadelphia. He was happily married. She met him about three times in her life. I would tell her story in 31 of her poems, one in two different settings, in my cycle "The White Election."

It was completed in 1981, and broadcast on National Public Radio two years later. It seems to have made a good impression. Slava Rostropovich had kind words, and invited me to write something for cello and orchestra that he could schedule on his upcoming tour in Russia. Placido Domingo invited me to write a song for him. Renata Scotto wanted me to choose five or so of the White Election songs that she could include in her concerts. All were big opportunities. Somehow none happened. Other stuff was coming out the pipeline.

That included my opera "Plump Jack." Here I would tell the rise and fall of Falstaff in Shakespeare's Henry the Fourth and Fifth. This was riskier. Now the accompaniment would be orchestra, not piano, and I had no background in orchestration. Composing and orchestrating are not the same. Composing is like writing a play, and orchestration is like casting the play. There are composers that don't orchestrate, and orchestrators who don't compose. Most of us do both. I always did my own orchestration because no one else would know what I wanted. I gradually learned from my mistakes. Now I can probably hold my own in orchestration, although many do that better.

Plump Jack was completed scene by scene over some twenty years. I would think it was finished, and then decide it wasn't. My next two operas, each running about an hour, would be composed much faster. I set "Usher House" to my earlier libretto based on Poe's story in about six weeks in 2008 and 2009. "The Canterville Ghost", on Wilde's short story, took me about two weeks each, with two months between,

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for libretto, composition and orchestration. The last two operas have been premiered at major opera houses. *Usher House* ran again at San Francisco Opera. Upcoming performance of the "scare pair", meaning *Usher* and *Canterville* as a double bill, have been announced in other cities. Plump Jack is still waiting its turn.

My interest in human origins led me to the Leakey Foundation. I had read about Louis Leakey in the papers, and had met him a few times in Las Angeles and San Francisco. Brilliant, courtly, fierce. He let you know what was wrong. I became a fellow in 1973, a trustee the next year and chairman the next.

Clark Howell, who taught anthropology at Berkeley, chaired our science committee. His co-chair was Dave Hamburg, a Stanford psychology professor who specialized in great ape studies or primatology. Most leading scientists in either field were members or regular advisors. They recommended grants, and we trustees funded them. We took a venture capital role, usually making grants of a few thousand dollars to promising new prospects rather than bigger amounts to steady-state projects already proved. Those proved ones included Jane Goodall's chimp studies at Gombe or Richard Leakey's digs at Lake Turkana. National Geographic, or the Wenner Gren or World Wildlife or National Science Foundations tended to fund the known winners. We're a lot bigger now. I am one of the few living links to those great people and times. We've evolved with the science. But we stick to the venture capital role.

That always left time to organize lectures and symposia. A few of us including Nancy Pelosi, long before she tried politics, put together an all-star two-day symposium at the Palace of Fine Arts in the San Francisco Marina district in 1973. Tickets sold out, and hundreds watched on screens set up in the lobby. Julian Huxley regretted, but sent his good wishes on tape. The octogenarian Raymond Dart recounted his discovery of *australopithecus africanus* at Taung cave near Johannesburg in 1924. Louis Leakey had died the year before, but his equally legendary widow Mary updated us on the digs at Olduvai. Dick Hay filled us in on the geology there. Jane Goodall gave the news from Gombe. Dave Hamburg reported on the new

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chimpanzee compound near the linear reaction at Stanford. Clark Howell briefed us on his work at Torralba and Ambrona in Spain, where our ancestors half our size had hunted elephants twice the size of modern ones. (Elephants go back at least as far as mammoths and mastodons.) Desmond Clark covered African archaeology in general and his discoveries at Kalambo Falls in particular. Sherry Washburn showed the way in which our DNA is 98% the same as a chimp's. All were my close friends.

It was at a symposium in 1974, in Washington I believe, that I first heard and met Irv DeVore. His talk was on evolutionary biology and Hamilton's rule. Both were new to me. Irv was a champion speaker. Students packed his anthropology classes at Harvard. He became a Leakey stalwart and a particularly close friend.

I liked his topic. Genes code for traits, and traits more adaptive to niche pressures are likelier to carry the genes that encode them into the next generation. The likeliness is "fitness". A beauty of this is that you can predict traits from the environment (niche), and the environment from traits. That promised the kind of logical challenge that I loved.

Survival of the fittest was not news to us. What was news was that bright scientists like Irv were specializing in that logic, and making testable predictions for creatures generally, humans included, rather than sticking to the groups they studied most. That meant people I could talk to.

Hamilton's rule was put up as the prime example. It starts from the principle that the end game in biology is investment in the next generation. Hamilton had reasoned in 1965 that genes coding for most efficient investment in closest kin, who were likeliest to carry copies of those genes, ought to leave most copies in the next generation. We would invest in them when consanguinity was greater than cost/benefit ratio measured in fitness given up and fitness gained at the other end.

I didn't like this. Something was missing. The logic was seductive. But Achilles *does* overtake the tortoise. Traits compete, like those racers, for niche space. The winner is the fittest at meeting needs of the niche. Hamilton's rule seemed to leave that out.

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It got Darwinism backward. Darwin's idea was that the best-adapted leave most progeny, not that leaving most progeny or other close kin somehow bootstraps itself into adaptiveness.

The math of Hamilton's rule didn't work either. In diploids like us, where each parent carries two sets of chromosomes, closest relatedness without inbreeding is ½. That meant that fitness would have to double or more with each generation. The reason is that fitness not expected to be transmitted to successors would be a contradiction in terms. If it cannot be transmitted (invested) at less than a 2:1 efficiency ratio (benefit/cost ratio), then it must be expected to double or more with each reinvestment. But aardvarks and flatfish aren't 1024 times fitter than their ancestors of ten generations ago. They aren't even a smidgen fitter, by any measure of fitness known to me, unless the population has grown. Population growth in nature usually fluctuates around zero.

But his rule was right in important ways. Nepotism is common in nature. The Trust passed my father's wealth to direct descendants. Most wills do, or favor nephews and nieces as a secondary choice. Chimp mothers maneuver to push their offspring up the social ladder. Worker ants and bees, who don't breed, push the chances of their younger half-sisters. Hamilton's rule was clearly a good rule of thumb, even though the math needed tuning. Why should it usually work? I couldn't know then that Hamilton himself would find the biggest missing piece of the puzzle in 1982.

Economics was always somewhere on my screen. It was the biggest challenge because I had to reinvent it from scratch. I had dropped the course at USF because I couldn't find the foundations. But we don't build a foundation without knowing what we want to top. I had to reinvent everything at once. Does that mean I thought I was best qualified for such a task? No. Plenty of people are better at logic than I am. Rather I seemed to be the only volunteer.

Explicit economic axioms are seen as a nineteenth century thing. There are implicit ones to a degree. Macroeconomics is said to rest on microeconomics, and microeconomics on the logic of supply and demand. Good so far. But I felt the need

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of a logical context for those. Too darned much was being taken for granted. What do we really want from economics? As we gradually figure that out, we can figure out the most efficient vocabulary for description and prediction. That's was what Newton did. I didn't like the lazy assumption that those problems had already been solved.

Newton lucked out in that old words like mass, force and energy would mostly do if he gave them exact definitions within their usual ranges of meanings. Brand new terms would have made tougher reading, and his *Principia Mathematica* was tough enough in 1687. I had the same luck in the end. But I didn't know that until I had collected textbooks and economic dictionaries, along with most books on economic history I could find, and meanwhile worked out what I thought the right vocabulary ought to be. We pretty well have to solve every section of the jigsaw puzzle at the same time. I'm my father's son, by the way, and balked at the three-figures prices of some of those textbooks, even though I might fork up as much for a bottle of wine.

My ideas on growth theory and capital theory (explaining rates of interest and return) will get plenty of coverage later. It happens I have also taken a lifelong interest in banks and money theory. This book isn't about that directly. But banks and money are part of the story of growth and interest, and anyhow are worth attention in themselves.

Money has been defined elegantly in terms of what we want from it. We want a measure of value and a medium of exchange. The qualities to give those things are "moneyness". Money should be "transportable", for one, in that we don't really want to lug bags of wampum around. It should be stable in value, so that we can contract over the future with least uncertainty. It should have the same value in different places as well as at different times, to minimize the nuisance of conversion. There should be enough of it that shortage doesn't drive us to the clumsiness of barter. It should be "divisible" into tiny units, as hundred-dollar bills into tens and ones and pennies, for exact payment with nothing owed back. It should be fungible in that one

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unit, say dollar, is worth exactly the same as another. Most essential of all, money should be something actually and reliably valued.

What meets all these criteria? Gold has been a contender since ancient times. But how reliable is its value? Spain and Portugal stockpiled gold and silver from the new world for two centuries, and bought nothing but inflation for their trouble. Gold is good for filling teeth, and for displaying status so long as it is rare. Then what is better?

Two brilliant and dangerous adventurers, the Scotsman John Law and the Irishman Richard Cantillon, proposed land. France in 1720 had no new world mines, and needed money. It had plenty of land in Mississippi. Law and Cantillon put two and two together. I think they sincerely believed their advice to The Duke D'Orleans, the regent after the death of Louis XIV, that land could be the most reliable basis of value then known. More than that, I think they were probably right. But it wasn't reliable enough. Early investors in paper rights to the land had made a mint as others crowded in. Market euphoria led to more paper rights than underlying value. You've heard that one before. Law and Cantillon saw the crash coming. It would be called the "Mississippi bubble". Cantillon sold out just in time. Law preferred to face the music, as I would in the Neutral Zone a quarter millennium later. Land wasn't the answer.

I can't call Law and Cantillon good guys like the emir. Both seem to have committed murder for money, Law long before and Cantillon long after, in scandals in London having nothing to do with the bubble. But they had good days. Cantillon's book, which I know only from descriptions by economic historians, seems to be a masterpiece of the obvious-in-hindsight. Law went down with the ship, like a mensch, and seems to have kept the trust and friendship of many backers he had bankrupted. I mention the plusses of these two men to remind us that the truth is seldom black and white, and to mitigate the folly of the French in trusting them.

Money today, in the United States and elsewhere, is not backed by any commodity. It is "government fiat money" backed by the taxing power of government. That may be

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the best solution tried so far. The value behind the taxing power is the total capital of the nation, meaning human as well as physical capital. And the dollar has proved pretty stable since Paul Volker's tough reforms in the early 1980s. That means that government fiat money in this county is working about as well as anything we have known.

But there are problems. Government tools for stabilizing government fiat money, which has no value in itself, are limited to control of its supply. The tools are monetary and financial policy. Monetary policy is mostly "open market operations" where government sells bonds to soak up excess money, and buys them back again to put money back in the system. You can also raise or lower Central Bank interest rates to get the same effects. Fiscal policy trims money supply by raising taxes and cutting government expense, and pumps money back into people's hands by lowering taxes and raising government expense. Monetary policy is the tool of choice because it has acted must faster. But either policy, or any mix, is a tightrope walk. Too much money courts inflation by motivating people to spend rather than save. Too little courts recession by motivating the opposite. That's why macroeconomics is said to rest on microeconomics. Are we wise to push our luck on that tightrope forever?

Another problem is that our current money system may depend too much on banks. Banks buy and sell back the government bonds, for example, and create the money they lend by writing it into the borrower's checking account and booking the promissory note as value received in return. The problem is that banks are failure-prone. I mean plain commercial banks which do nothing but accept deposits and make loans, not the still more dangerous commercial/investment hybrids which rose and fell after repeal of the Glass-Steagle Act.

The danger is leverage. Depositors must be attracted at some cost, say checking services. Borrowers must be attracted at a rate covering those costs to give profit in the first place. Then equity investors must be attracted at an equity rate, generally higher because equity imposes risk. These rates and costs are market givens rather

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than what the bank decides. Then how can profit from lending rates, watered down by costs of attracting depositors, translate into higher equity rates?

Easily, but dangerously. That's where the leverage comes in. If the amount borrowed is much larger than the *amount* invested as equity, absolute profit from borrowing might be large compared to the amount invested. If hens lay only one egg per day, but I own three hens, then I can eat three eggs a day.

More money lent out, compared to equity invested, presupposes more deposits to lend. The leverage needed, or deposits/equity ratio in the bank's case, works out to equal the market equity return for investments of equal risk, divided by the market borrowing rate for loans of such term and risk, net of expense percent including costs of attracting depositors. This has tended to pencil out at about ten to one.

Firms in general are considered risky when leverage (debt/equity in that case) reaches one to one. Four to six is more typical. Not ten to one. Banks invest in loans, which are safer. But not ten times safer. Few people today would risk their money in bank deposits without federal deposit insurance. My own reading of history finds that deposit-and-lend banks have failed systemically, or needed bailouts, about once per generation since they were innovated in Marco Polo's time. They failed because borrowers default in high winds, and defaults are magnified tenfold in effects on stockholders' investment. We rebuilt them, and the tenfold leverage, because we blamed the high winds rather than the rickety structure. The Practical Pig knew better.

It began occurring to me in the mid 90s that mutual funds might replace bank deposits, and deal with the tightrope problem too. Too much money burns holes in pockets today because money earns nothing while we hold it. Mutual funds pay returns, and are owned for their own sake. If their shares were somehow money, people would feel no impatience to spend it, and no supply would be too much. I gradually figured out how the obvious problems in fungibility and divisibility and other moneyness qualities could be addressed.

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Nobelist Franco Modigliani heard of this, and invited me to MIT for a presentation. He talked like Gepetto in Disney's "Pinocchio". There were a few other top brains, including Ruddiger Dornbusch and2Julio Rotemburg, in the small classroom where I spoke. Sometimes Modigliani interrupted. "Getty, you don'ta consider this." "You forgeta that." I guess I thought I wasn't doing so well.

My talk ended, and he and I were standing by a window. To lighten the mood, I said something about the Red Sox. He said "Getty, I getta papers on banka reform every week. Yours isa the best."

Milton Friedman, another nobelist, had a different take. We had given talks at a Cato Foundation symposium in San Francisco. He hated my idea. No great surprise. He had written that money *ought* to earn nothing so that we wouldn't own too much. Any attempt to back money with anything, he told me, would meet John Law's fate in the Mississippi bubble. The backing commodity would become inflated and then crash. So Nobelists can disagree.

My version of the same idea today looks first to ETFs (exchange traded funds), which are more liquid and money-like than mutual funds. ETFs are usually index funds, which replicate index holdings with no active management and so charge very small expense ratios. But mutual funds might become money too. My idea, dead opposite from Friedman's, is that both money supply and money yield should be held as high as possible.

What would happen to banks? Major angst, but not much damage. They would devolve into their separate deposit and lending specialties, with separate stockholders and only incidental interaction. Deposits would be invested in ETFs or mutual funds. Federal deposit insurance would wither away as unneeded. There are no runs on ETFs. Lending banks would have to raise funds to lend from investors expecting a return.

Is there a downside? There is certainly a risk of one. The devil we don't know is what would happen to lending rates and what the consequences might be. That had

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been one of Modigliani's points in his interruptions. Federal deposit insurance subsidizes cheap money and keeps lending rates low. Most tradition associates easy money with growth and prosperity. Higher interest rates are associated with restraint in investment and consumption both. Modigliani was right to worry.

My guess is that the bank reform and money reform I propose would drive borrowing costs up, borrowing volume down, and equity investment up to fill the gap. Corporations would issue new stock to retire corporate debt. Newlyweds would rent, not buy, until their incomes were high enough to bring other options.

Modigliani was also worried that monetary policy would become impossible. It would as we know it. I have argued elsewhere that fiscal policy can be made to work as well and as fast. And I will argue for an unusual and more direct form of monetary policy. But no one knows.

These concerns are reasons to go slow. I think that the reforms I describe are developing now, with no input from me, and will continue if they succeed. Depositors will be attracted away from banks to ETF accounts of equal liquidity and full return. Federal deposit insurance will not be advantage enough to hold them. Banks will get the message and join the parade by spinning off their loan departments and investing deposits in ETFs. If Modigliani's valid concerns haven't found good answers, the parade will stop until they do. It could backtrack to the starting point. The reforms I believe in ought to work, but can be scrubbed without much mess if they don't.

I am not their only advocate. Others argue for splitting up commercial banks more or less as I would. Meanwhile many people maintain liquidity in ETFs or mutual funds rather than banks. There may be some originality in putting the two reforms together.

This personal account can end with more thoughts about my father. My stepmother Teddy's touching book about their marriage, out a couple of years ago, tells the truth, the whole truth and nothing but the truth. That what she does. He seems not to have

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been the easiest guy to be married to. He pinched pennies, went on trips while she held up the home front, came home late. My mother had about the same story. But I saw different sides of him at different times and places.

Twice I saw him cry. Once we were listening to a Caruso record. He might well have heard Caruso, although I don't recall that he said so. He would already have been 28 when Caruso last sang at the Met. One of the two books he wrote by himself shows him as an opera buff when on his own in Germany in the 1930s. He wrote what operas he had heard, who sang, and what he liked. My mother said the same. Once they arrived late at a performance of La Boheme somewhere on the Riviera, couldn't find a program, liked the tenor, decided to help him, and learned that they had failed to recognize Beniamino Gigli.

The other time was about his and Teddy's son Timmy. Timmy's brain tumor was inoperable and growing. He was 13. The doctors had told them to prepare for the worst. We were in London. The papers said something about young toughs called Teddy boys. My father started crying. Timmy wouldn't make it, and the Teddy boys would.

I've now lost a son myself. You thank the graces for what's left to do. What's left to do includes composing, verse and economics. The first has panned out okay. A fair bit of the verse was set in the music. At least that makes it read and heard. Aside from the kind words of Modigliani and a few others, I can't say as much for my economics. So here goes again.

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CHAPTER 2: FAST FORWARD

I dropped the course on economics because I couldn't see the foundations. Not that they should be clear from the start. That isn't how the mind works. We see, do and understand in that order. The pyramids rose four thousand years before people like Galileo and Newton found the laws that made them possible. Practice comes first, and science last. Science is abstraction from the particular to the general. It is fewer rules predicting more outcomes more exactly. The pyramid builders knew rules for this kind of stone and that kind of wood or rope. Newton gave rules for mass and force. Those are not particular things like stone and wood and rope. They are qualities of all things. Their rules are tougher to get our minds around, but predict everywhere once we do.

What a book or course should offer from the start, even before the foundations, is an inkling that it should be worth finishing. We have to sense that we're on to something. The price of getting there will be the nuisance of abstraction from things to qualities, and we need to see a reason to pay it. I didn't in the course on economics. Now it's my turn. I'll try a fast forward through free growth theory and my other arguments to give an idea where we're headed and why it matters. The foundations and then the slower tour will follow.

Free Growth

What I call free growth theory will probably count as the chief surprise, at least to non-economists, because the argument and the supporting evidence call for a major reversal in tax policy of this and other nations. But it is not original. John Stuart Mill wrote the same idea in his *Principles of Political Economy* in 1848. I will quote what he said in my Chapter 4. Although *Principles* became a leading textbook for decades, the paragraph I quote seems to have been overlooked. Economic historians including Joseph Schumpeter describe him as a champion of growth through belt-tightening. The paragraph I will quote makes the opposite clear. We now have means to prove his idea. I will show how to test it, and will show test results in charts and tables taking up about 20% of this book. They imply that tax laws

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encouraging investment over consumption and plowback over dividends, particularly in the last half century, have led to dangerous overinvestment in the private sector. The empty eyesores and bulldozer bills of 2008 are symptoms of pro-investment policies founded in many countries after World War II. They did no harm when the world needed rebuilding anyhow. But I suggest that output growth slowed because of them, not despite them, after 1970 or so. I will argue that optimal investment at the national scale, strange as it sounds, is depreciation plowback and nothing more. Mill showed how that could be true. The same growth will arrive, say he and I and the charts and tables, with no consumption sacrificed. More consumption at no cost to growth adds up to more output. Output nosed down since 1970 or so because we squelched consumption to no purpose.

That means only private sector overinvestment, prompted by unwise tax motives, and only at the collective scale. Government follows different motives, and has somehow followed them to an opposite problem in this country. Our infrastructure rusts and crumbles. It seems that our good friends in the Tea Party think that roads and bridges undercut market freedom.

Growth is interesting, even without these opposite distortions, because history is interesting. Growth is our history. It is not the history of other creatures, who repeat norms from generation to generation once evolved. That's why the math of Hamilton's rule doesn't work. And we care about it because there are emotional and moral and belly issues attached. I gave an idea of its dangers in the foreword. The past has proved survivable. The future has not. Then what about its cost? Does faster growth need consumption restraint at the start? Is it a reward for sacrifice? That's what Mill tried to answer in 1848.

He started with the idea that output, meaning creation of capital, must mean growth of capital ("investment") plus consumption. I will call this the $Y=I+C$ (or $Y=C+I$) equation from the standard notation economists use. I will argue that it is true with two adjustments. Investment must include investment in human capital, and

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consumption must exclude any schooling or nurture already counted in that investment. (Schooling counts as consumption.) Mill would have understood the human capital concept, defined by Sir William Petty nearly two centuries before, but economists only recently have begun to take it seriously. Mill's meaning of the $Y = C + I$ equation, and the one accepted everywhere in macroeconomics even today, leaves out the growth in human capital and includes all consumption.

That equation, which I will try to prove correct if we make the two adjustments, shows that less consumption brings faster growth if output holds still. But nothing in the equation says it will. It says that less consumption means either more growth or less output. It doesn't say which. John Maynard Keynes, probably the most famous and influential economist of the 20th century, put this fact of math a special way in his *General Theory* of 1936. In his analysis, saving through less consumption is either invested or not. Since output is consumption plus investment, saving uninvested is so much less output. I like to put the same idea with a range of degrees. All saving is invested, as I use the word, but finds different returns. Saving under the mattress is investment at zero return, and drops output just as Keynes said. Investment at the current average return keeps output unchanged. That's what Keynes meant. But investment at lower returns lowers output, and conversely. Keynes' version sees intended saving (consumption restraint) as either invested or not, and sees it as translated dollar for dollar into actual capital growth if it is. Mine allows any degree of capital growth below or above the actual cost of investment in consumption given up.

This is a surprising concept, either in Keynes' version or mine, because it seems to fight personal experience. Until the next raise or job change or layoff, our incomes seem to be known quantities. If we skip desert, and watch TV instead of going to the movies, we can put more in the bank. At least our incomes will not drop *because* we saved those costs. But it is different for all of us collectively. When the whole nation saves, and either does not invest or invests less productively, output drops. Keynes' analysis says the same, but leaves out the "less productively".

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My reading of the Mill paragraph says that if we plowed back only depreciation investment, without invading consumption for more, we would still grow if that investment paid off in higher returns than the current norm. Then capital would grow faster without making consumption grow slower. The gain in output, even though we had invested only enough to make up for depreciation while keeping consumption the same, would have been split into some for capital growth and some for more consumption. And Mill gave the reason for the gain in output. The driver was "whatever increases the productive power of labor". He was talking about better ideas. We would make returns higher if we could make capital more productive at the same cost.

This possibility troubled Nobelist Robert Solow, who came reluctantly to a conclusion most of the way toward Mill's a century later. He felt that growth should not be a gratuitous *deux ex machina* arriving at its own whim. How could Mother Nature say "Shazam" and turn less into more whenever new ideas come along? Didn't the capital chicken have to grow before the output egg? Didn't we have to tighten belts to invest in new plant applying those new ideas? But the evidence seemed to say that the rise in output came first. Rise in capital followed. Thrift seemed to play little role. Tests by others have tended to find the same thing since. My own tests, using new data from national accounts and my own new testing method shown in my charts and tables, reduces the role of thrift to zero. How could that be?

How could better kinds of capital arrive without costing more, at least at the start, than the kinds we already knew? My best guess is that the cost of innovation in failure rates and learning curves is the cost of being human, that we pay it about the same every day, and that growth happens when the worth of innovation proves more than the cost. It can because we are human. The cost of being human means the cost of adapting. It is how we cope. We turned in our fangs and fur in exchange for the savvy to make tools and fire and clothing do better. Other creatures adapt

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too, but we became the specialists. Adaptation grades into innovation whenever it somehow becomes a norm. That too happens with other creatures, but not as often or as lastingly. Their new norms almost always revert to the old ones. Our innovations collect and accrue. That's why growth is our history.

Its costs are failure rates and learning curves. Many innovations are blind alleys, and most others need shakedown runs. But we're stuck with those as the cost of being human. And we're stuck with them whether the result right now is growth or not. They were our cost of survival during our million years as *homo erectus*, when the archeological record shows little overall change in the stone tools we made. Growth and lasting innovation picked up marginally with the emergence of Ancestral Eve and bigger brains about 200,000 years ago, and began accelerating about 50,000 years ago. Growth happened because the more or less constant cost of adaptation and innovation became less than the payoff. New ideas finally found traction at no added cost. Mill's idea was that more payoff in growth need not presuppose more sacrifce.

Does that mean that all we need for growth is new ideas and the courage to trust them? Well, no. We still have to plow back depreciation as the cost of holding even. We need practical savvy and patience too. Sometimes great new ideas must wait for an opening. That may be why our bigger brains showed little effect on the kinds of tools we made until about 50,000 years ago. And I will argue that innovations need laws and customs that welcome them. Otherwise they will make a few bucks for the local warlord rather than wealth for the originator and the world. But what they don't need, say Mill and I and the data, is tighter belts.

Adam Smith, in his *Wealth of Nations* published in 1776, proposed growth by belt tightening. Most tradition has agreed, with the proviso that new ideas must come first. Solow raised doubts about the role of consumption restraint, but stopped short of denying a need for it. Mill acknowledged both ways to grow. My charts and tables will confirm that only the kind that troubled Solow has actually happened, in every

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country and period tested. I call it free growth. My own free growth theory acknowledges growth by consumption restraint, which I call thrift, only as a mathematical possibility which doesn't seem to happen. So my idea, taking account of data Mill didn't have, is different from his. I must be careful not to put my ideas in his mouth. When I say "Mill's idea", from now on, I will mean some of both.

No one had the data to prove him right until national accounts began reporting market-valued capital in 1990 or so, and reconstructing it for a few decades before. What they had earlier was the book measures of capital that we see in balance sheets. They don't reveal enough. Book measures assume depreciation norms. Outcomes converge to norms over time, but meanwhile might be anything. National accounts follow a form of this book or depreciation accounting. They now report market-valued capital too, but still prefer book methods to calculate investment I and output Y in the Y = C + I equation. That doesn't work well. Did you know that national accounts in France, Germany, U.K. and the United States all reported positive net investment in the crash years 1929, 1930, 1937 and 2008? Net investment, meaning net of depreciation, is intended to show growth in capital value. Do you think values really went up in those crash years? And national accounts can be just as wrong in the opposite direction. In the boom year 1933, when stock markets were up 42%, 67%, 96% and 46% in those four countries, Germany and U.S. reported net investment (capital growth) as negative while France and U.K. reported it up less than half a percent. All this shows in my charts and tables. Reports of net investment in national accounts tend to prove radically wrong in years of unexpected upturn or downturn because they don't get the news of wars or national disasters or discoveries or business cycles until new assets are bought or new products sold. Purchases and sales are normally the only input into the books. Average time between original purchase and realization in sales is the "holding period" or "turnover period" of capital. For all physical capital together, it runs several years. Accounts in those slump years were reporting the good news of boom years shortly before, including the booms of 1935 as well as 1933 preceding the slump year 1937. Accounts in the boom year 1933 were finally getting the news of

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the crash. (Yes, some of the strongest boom years in history came during the world depression.)

This is not to question the need for national accounts. We could not manage without them. But the genius of accountancy is in its reporting of cash flow items. Depreciation, even its sophisticated form used in national accounts, is a makeshift approximation better than nothing. I argue that it is obsoleted by our access to market-valued capital appearing in the last few decades.

Mill's argument was that capital growth might be explained by productivity gain as well as by thrift in deferred consumption. The way to test between them that I will describe takes measurements of market-valued capital, its year-to-year change in these, and consumption at the same time. I call it the simultaneous rates method. In any year and country where consumption restraint explains growth, although the data show none, rise in growth rate would equal current drop in consumption rate (consumption/capital) while rate of return (output/capital) holds unchanged. When productivity gain is the explanation, as the data confirm so far, it is consumption rate that holds the same while growth rate and return rise equally. That's what I test. Data in charts and tables for those four nations from 1870 through 2010, and from Australia, Canada, Italy and Japan from 1970 through 2010, show that faster capital growth coincides with higher consumption rates in the same year as often as not. Less consumption has simply meant less output with no growth to show for it. That is the sense in which growth is free.

These countries and periods are not cherry-picked to support Mill's idea. They are all I have found. My source for national accounts including market-valued capital was the website of Thomas Piketty and Gabriel Zucman adjusting their data to uniform accounting standards and measuring them in 2010 currency units. It also collects recent and past research by other economists modeling what national accounts, again including accounts of market-valued capital, would have shown in years before they were founded in 1930 or so. Simon Kuznets, for example, who

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founded the national accounts in the 1920s and reorganized them along Keynesian lines when the *General Theory* was published, reconstructed them back to 1870 for the U.S. economy. Piketty and Zucman incorporate this research and others. They have acted as editors only. As a layman, I would hardly be qualified to find and interpret original sources. Even most economists might lack that specialty. I simply trust Picketty and Zucman. They will have compounded misreadings and editors' bias in those sources by adding their own, and I will have added mine. They and I have plenty. Editing is bias by definition. But we can't do without it. We manage as best we can.

To make sure, I also test Mill's idea on stock market data from the same nations and periods. Here my source was the *Global Financial Data* website marketed by Bloomberg. Market cap corresponds to capital, dividend yield to consumption and total return to output. Charts and tables show free growth as essentially all of growth in stock markets too.

Now try a first look at the charts and tables. The lollipop-shaped Greek letter φ (*phi*) is something I call the free growth index. It reads 1 in years when growth is explained as Mill described, 0 in years when belt-tightening was the explanation, and something in between when there was both. The free growth index will be explained in chapters 4 and 5. The charts can be messy, and the data jumps around. There are spikes, both up and down, which tend to disappear in the charts which screen out small absolute values of the denominator (capital acceleration). But the free growth index clearly jumps around 1, not zero, both before or after the screening. It is as often above 1 as below. That means that growth is as likely to coincide with belt-loosening as belt-tightening. My free website *FreeGrowth&OtherSurprises.org* shows how everything was calculated.

Economists will not be as surprised as they might have been a century ago. Growth theory since Solow's revolutionary papers in 1956 and 1957 has marginalized

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capital accumulation or thrift, and has seen most growth at the national scale as "exogenous" or unexplained by whatever we suppose that we give up in exchange. This book takes the next step in the same direction. The role of thrift is zero. It is politicians, not economists, who will be flummoxed. The double tax and the tax preference for capital gains are examples of policies favoring investment over consumption to benefit growth. The record shows no such benefit in any country ever. From all evidence so far, free growth theory is free growth fact.

A New Way to Measure

What this book tries to add is not only the next step in Solow's direction. My simultaneous rates method offers a new means of testing. Twentieth century growth theory, led first by Keynes' colleague Sir Roy Harrod and then by Solow, has tried to gauge the effectiveness of consumption restraint by a different method from Mill's and mine. It has looked for effects on later output rather than on current capital growth. I call it the lagged flows method. Why the lag? Because if output is growth of wealth (capital) plus consumption, a shift from the third to the second cannot change output at the same time. Rather output should benefit after a lag of a few years for the capital that produces it to accumulate. Capital investment plants a tree, and output growth is the new fruit expected to follow.

The lagged flow method makes sense, and there was nothing better until data for market-valued capital began appearing in 1990 or so. But the lag tends to blur causality. Later changes in output could have later causes. And output itself, after the lag, could not be measured reliably for lack of the same data. It has been measured as gross or net domestic product, reported as the sum of consumption and *book* investment. Books don't get the news until new assets are bought or new products sold. We just saw the anomalous book results reported for 1929, 1930, 1933 (the opposite distortion), 1937 and 2008. Those are not the only examples. My method measures output as consumption plus change in *market-valued* capital. It seems to me that Piketty and Zucman ought to have shown output this way, at least as an alternative version. Isn't it inconsistent to measure capital at market, but to

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measure its change (net investment) at book? And isn't it better to measure the effectiveness of thrift with neither the lag nor the well-known problems of book depreciation?

I will show the math of my simultaneous rates method in Chapters 4 and 5. Chapter 4 reasons from the Y = C + I equation, even though I don't accept it, while Chapter 5 translates findings into the new version I do accept. Charts and tables show both versions for all eight countries reported, over all years reported, and run the averages. The thrift index, or ratio of the supposed cost to actual growth, averages zero. I found it best to show separate charts for each country by each of the two versions of the Y = C + I equation and by each of three levels of denominator-screening (none, then two progressively wider screens). Other charts track other data that seemed informative. That explains why charts take up so much of this book.

This completes my first survey of free growth theory and its support in the data. Chapters 4 and 5 will cover the same ground again from new perspectives. So it will be with other themes of this book and other chapters. My problem is to sell unfamiliar ideas, although not necessarily new ones, and in somewhat unfamiliar language too. My "simultaneous rates method", yet to be clarified, is an example. I use the standard language of economics where I can, but must sometimes tweak words or coin them. We will see that in Chapter 3. I try to cope with that double challenge – unusual ideas in unusual terms – by the same strategy of restatement from new perspectives until all fits together.

Fixing the Y = I + C Equation

If I had any sense, I would pretend to accept the Y = I + C equation as Mill and all other economists seem to do. Then I could have done with only half as many charts, and made this a book about free growth only. Any fool knows that a book should pick a focus. The data confirming Mill's idea would have made a spectacular finale. Why undermine my own case by questioning his assumptions? So I should probably

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have played dumb and quit ahead. But that would have left out half the story and all the other surprises. I confessed that the surprises are the features I can't resist. If they are fun for me, I can accept the challenge of making them fun for the reader. Anyway, I already opened that can of worms by showing that I don't accept the $Y = I + C$ equation even though others do. I gave an idea why, and can sketch my reason out a little farther.

It begins with something I call the total return rule or total return truism. The truism is that creation of value equals growth of value plus cash flow, where cash flow means value taken out less value inserted from outside. I don't think anyone doubts this truism, which is fundamental everywhere every day in the investment world. I will prove it anyhow, just for good measure, in the next chapter. It is probably the reason that the $Y = C + I$ equation is readily accepted. Net investment I is meant to show physical capital growth. It could look to be the growth in value, if we don't consider human capital, and consumption C could look to be the value taken out.

But a second look is needed. The logic doesn't work unless we consider all value including human capital. Some consumption is invested in human capital, and only the rest exits the whole economy in satisfying tastes. Then the equation would still be true if the invested part of consumption equaled human capital growth.

The reason why it doesn't starts with what we already know about human capital. Petty in 1664 had hit on the idea of this as time-discounted future lifetime pay. Adam Smith in 1776 saw it equivalently as accumulated past investment in nurture and schooling. The Americans Irving Fisher and Frank Knight revived both ideas in the early 20th century. The tempo picked up after World War II at the University of Chicago. Jacob Mincer rederived Fisher's present value equation in 1958, and modeled investment in human capital through job training. Nobelists Theodore Schultz and Gary Becker soon joined in. New insights included the realization that human capital grows from the self-invested work of learning, as well as the outside

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input of nurture and schooling, and then depreciates gradually to zero just as buildings do. Yoram Ben-Porath combined these ideas and more in a masterly life-cycle model published in 1967. We'll get to it soon.

Schultz called the part of consumption exhausted in taste satisfaction "pure consumption". The part invested in human capital was "pure investment". I change that to "invested consumption" to avoid confusion with investment in physical capital. Since there is no settled term for the part of work invested in learning, I call it "self-invested work". I call the part of work sold for pay "realized work". Then the consensus view formed in the 1960s held that human capital growth equals invested consumption plus self-invested work less human depreciation. I agree, with a clarification as to possible deadweight loss that I'll come to in Chapter 6. I call it the Ben-Porath equation, although he drew it from the Schultz-led consensus. It is really a summary of the first four of the equations in his 1967 paper taken together.

This explains my critique of the Y = I + C equation. The equation would be true if human capital growth equaled invested consumption. In fact it equals that plus self-invested work less human depreciation. The corrected equation would read "output equals consumption plus investment plus self-invested work less human depreciation". I call this the "Y rule".

Upending the Y = I + C equation is big news. Macroeconomics and the national accounts are founded on it. That's one reason, although not the main one, why I think that macroeconomics should start over. It doesn't follow that national accounts in themselves need much change, aside from reporting net investment at market as well as at book, because accountants must measure what they can. Human depreciation and self-invested work elude market measurement. But economists can allow for them, and they are huge flows. Human depreciation is depreciation of the larger factor. And self-invested work includes more than learning. Ben-Porath showed, as we will see, that it equals all growth in human capital not explained by inflows of nurture and schooling less outflows in human

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depreciation. That implies that it includes all free growth of the larger factor. And these huge flows would figure to be uncorrelated. Depreciation of either factor is a steady drag on growth, while free growth is revealed in the charts and tables as a bucking bronco which might be double-digit positive one year and double-digit negative the next. No wonder that national accounts cannot reliably tell good years from bad.

Another distortion in the $Y = I + C$ equation is the undue prominence given to consumption. Physical capital, in most views including mine, is only a third to a fifth of total including human capital. Human capital is the lion's share. Pure consumption is most of consumption, in my view, but not all of consumption. If the factors grow in mutual proportion, then, the ratio of total capital growth to pure consumption will be much higher than of net investment to all of consumption. That explains, I think, why national accounts have reported not a single year of negative net product in any of the eight countries since inception. Balanced portfolios report negative total returns every few years. So would net product, were it not dominated artificially by the steady positive of consumption. It is as if a portfolio dominated by investment grade bonds were taken as representative of a realistically balanced portfolio.

Solving the Age-Wage Puzzle

I will now try to solve a feature that troubled Ben-Porath and has troubled many economists since. I call it the age-wage puzzle. Age-wage profiles are published reports comparing pay earned by all working ages at the same time. Since all cohorts (same-age sets) are compared at once, as in a family portrait, age-wage profiles do not show effects of technological growth over time. They show effects of age and experience alone. What appears is that pay or wage rises steadily until retirement or near it. Meanwhile human capital is present value of remaining lifetime pay, and shrinks steadily as approaching retirement and mortality leaves fewer future paydays to discount. Most students of human capital including Ben-Porath reason that self-investment must end when time left for recovery in higher

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future pay runs out. So do I. The puzzle is how pay could rise while human capital shrinks smoothly to zero.

This would not be a puzzle if we were speaking of oil wells whose oil might continue to be pumped out at a steady or even rising rate until the well ran dry. We are puzzled because pay is generally believed to equal and compensate work. Work means the output of human capital. How could less capital steadily produce more output, meaning creation as distinct from depletion of value, particularly if some work is self-invested rather than marketed for pay? That would imply exponentially rising productivity, meaning rate of return, and rising to infinity at the end.

Think about it. Strictly speaking, human capital is present value of future pay less spending on future childhood nurture plus textbooks or tuition or job training (collectively called "schooling" by Mincer) invested in human capital. Ben-Porath knew that, as had others before, but reasoned that investment in anything must stop when not enough time remains for recovery. I think so too. And I argue anyhow, from observation rather than logic, that invested nurture and schooling substantially end when we enter the full-time job market sometime in our twenties. Then human capital in adulthood is essentially present value of expected pay, or even less if Ben-Porath and I are wrong and nurture or schooling continues to the end. When only a year of pay is left ahead of us, human capital at most is time-discounted present value of one year's pay. When one day is left, it is at most present value of one day's pay. Yet age-wage profiles show pay (wage) holding level, or even rising, as human capital grades smoothly to zero. This is the famous age-wage puzzle. I'll flesh out the same thought experiment later in what I call the parable of the boss and her secretary.

Economists have recently proposed solutions which I see as farfetched. Possibilities that human capital indeed grows more productive with age, or depreciates all at once, seem implausible in each case and cannot begin to explain enough. I think Becker hinted at the answer in 1964. Becker pointed out that job training at the

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employers' expense is part of investment in human capital, and reasoned that employers won't pay it unless they expect eventual recovery with interest.

What Becker stopped short of saying is that the same is true of any investment in anything by anyone. When we invest for our own benefit, we expect recovery by ourselves. When we invest for the sake of others, we expect recovery by them. Recovery means recovery of depreciation. Our parents would not have invested in our human capital without expected recovery of our human depreciation by us, and the young further invest the work of learning in themselves because they expect that to be recovered with interest as well.

There is another proof which I call the deadweight loss rule. Capital of any kind is present value of cash flow, meaning expected realizations in transfer or taste satisfaction. Deadweight loss means decapitalization with neither. It follows that deadweight loss, although a common reality, is implicitly unexpected. But human depreciation, like plant depreciation, is expected from first investment. That rules out deadweight loss, and makes human depreciation *expected* as cash flow by elimination of alternatives.

Each proof is sufficient. The first expresses what I call the maximand rule: we maximize risk-adjusted rate of return. Robert Turgot observed this in 1766. I'll say more about that in the next chapter. It takes little thought to realize that maximizing risk-adjusted return begins with recovery of investment, and that this means recovery of depreciation or amortization. We *are* depleted like the oil well, although we create value too. The second proof needs only the assumption that human depreciation is foreseen. It adds the specification that human depreciation is realized in human cash flow. That turns out to mean that it is realized in pay. The solution to the age-wage puzzle is that pay does not equal and compensate realized work above. It compensates that plus human depreciation. I call this the "pay rule".

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The pay rule joins free growth theory and the Y rule as the three major surprises promised in my title. Recovery of human depreciation in pay changes a lot of equations. It does not impact public policy and tax laws as radically as free growth theory, but I will argue that it impacts them enough. Even if it didn't, it is probably the most startling assertion in this book from an economist's viewpoint. And although I now know better than to claim originality for any idea in economics, this one just might pass the test. If someone out there knows a precedent closer than Becker's, as I eventually found ones for what I had thought were my own free growth and next generation theories, all the more fun in finding those unsuspected precursors. (Next generation theory will be outlined soon.) And the two proofs leave no doubt. I will add a few more as we go. It is never overkill to drive another stake through the heart of entrenched misperception. Meanwhile we can already be as sure of that expected recovery, not actual recovery, as of anything we know. The arguments from the maximand rule (Turgot's insight) and the deadweight loss rule are unanswerable.

An analogy from something else we all know leads to the rest of my argument. Pay over working careers is something like payments over the period of a declining-balance mortgage. Mortgage payments are partly amortization and partly interest. Amortization is like depreciation, although without the same sense of physical wear and tear behind it, and interest is like the worker's output marketed to employers. The declining balance is like human capital. Mortgage payments are almost all interest at the start of the loan, when the declining balance is almost the whole loan amount, and then gradually less interest and more amortization as the balance shrinks. As the balance approaches zero at the end, the payment approaches all amortization while the interest share approaches zero.

My depreciation theory, which we'll come to soon, argues that depreciation follows the same logic and the same math. I will argue, in the face of what has seemed to be contrary evidence, that depreciation of both factors begins at zero and grows

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exponentially to become all of cash flow at the end. This completes the explanation of age-wage profiles as we see them. Pay is all human depreciation at the end.

What I Thought Once

Chapter 6 will compare accounting for human capital to accounting for a firm. Pay, in this analogy, is the worker's revenue. The firm deducts outside operating costs of labor and supplies to leave gross realized output. The analogy for human capital would be maintenance consumption enabling life and activity. But I don't deduct this in reaching the workers' gross realized output (gross realized work) because I take it as part of the net output we intend in itself rather than a cost in return for what we intend. I see adult consumption as mainly Schultz' pure consumption exhausted from the universe of capital, including human capital, in satisfying our taste for adult survival.

Opinion is divided here. Some economists have treated the maintenance consumption that keeps workers going as new investment in human capital for the sake of higher pay in future. Some in the 18th century expensed it, like maintenance in the firm, as a cost recovered in keeping up the worker's revenue (pay) now, rather than invested for later. I did that for years. I now treat it as recovered neither in pay now nor pay later. Even though we couldn't earn without it, I count it in pure consumption exhausted in satisfying tastes for survival.

When I thought it was recovered in pay and work products, up to about five years ago, I realized that human depreciation could not also be. There would be nothing left for pure consumption except Mill's "unproductive consumption" neither replacing nor maintaining human capital. That would stand biology on its head. Biology is precisely about replacing and maintaining us. Unproductive consumption, for which there seem to be parallels in other species, is something biology has yet to justify. It cannot be the *unique* taste satisfaction that behavior reveals.

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I found a solution that seemed to make sense then. It was the exact opposite of what I think now. If maintenance consumption were recovered in pay and work products, as I now think human depreciation but not maintenance consumption is, then human depreciation instead of maintenance consumption could be exhausted in taste satisfaction! That seemed less macabre to me then. I looked for ways in which human depreciation, hardly the biological end in itself, could somehow be its measure. It was not unreasonable, I thought, to interpret human depreciation in aging as the cost of survival. The old gag says that aging is not so bad when you think about the alternative. Age-wage profiles could be explained, I thought then, as recovery of maintenance consumption rather than of human depreciation in pay. And I had those precedents from the 18th century. I knew that Francois Quesnay and the physiocrats, in Adam Smith's time, had argued too that consumption could be recovered in earnings. Mill could be interpreted that way, in his definition of "productive consumption", as could Piero Sraffa in a paper from 1960. I thought I was on the right track.

What brought me to my senses was the thought experiment about a boss and her secretary I mentioned earlier. Picture them together at the beginning of the last year of human capital for each. The boss earns ten times as much. Human capital for each is one year's pay, or even less in the unlikely case that invested consumption continues to the end, less one year's discount. If pay measured work, rate of return (work/human capital) would be something over 100% per year for each. It would be even more in the unlikely case that some work remains unrealized (self-invested) until the end. Yet their time preferences measured by return to their other investments, say securities, is less than a tenth as much. This already states pretty clearly that pay covers more than work.

In case there was doubt, go on to the beginning of the last day. Age-wage profiles show that pay for each is about what it was a year before. Rate of return to each is now a little over 100% per *day*. At the beginning of the last second, it is a little over 100% per *second*. At the end of the last second it is infinite. Yet the securities in their

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portfolios are chosen for returns no higher and riskier than the year before. They will tend in fact to be lower, judging from logic and evidence for a decline in risk tolerance with age.

Then what besides work is recovered in pay? The two possibilities I was weighing were maintenance consumption and human depreciation. The winner was obvious. The higher-paid usually consume more, but not always and not in proportion. The fact that we must generally be paid enough to cover consumption does not imply that we are paid to consume. We are motivated to do that anyhow. We are paid to apply skills, and are paid in proportion to skills applied. Human capital is skill sets. Pay measures its transfer to products, whether in realized work currently created or from capital in place through human depreciation.

That's how I came to the pay rule. We see why it ought to startle economists. Macroeconomic tradition teaches the doctrine that wage measures work, and teaches it so confidently that it uses the notation W for either. Human capital tradition recognizes that some work is self-invested, but effectively treats human depreciation as deadweight loss. That's why I use "pay" in place of the more usual "wage".

Refuting a Piketty Argument

There are practical uses for the pay rule aside from solution of the age-wage problem. These are the impact on tax laws and public policy that I promised. Piketty has shown correctly that the ratio of pay to net profit rose substantially during the world wars, world depression and welfare state period following, and has declined since. Piketty argues for higher capital taxes in consequence. His argument follows tradition in comparing pay and net profit as the shares of workers and investors in income. But tradition is wrong. Pay is the worker's gross realized income, meaning gross of human depreciation. Depreciation, for either factor, is a steadier flow. This makes gross output for either less responsive to upturns and downturns. It is a particularly high share of realized income or output in hard times when dislocation

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of both factors (human and physical capital) drives net output down. Comparison between net income and gross realized income can mislead. Piketty is right about the data, but wrong about its interpretation.

Depreciation Theory

This is the explanation I promised when I said that depreciation is essentially like amortization. Accounting tends to practice straight-line depreciation over standard depreciation periods. A well-known refinement, allowed but not much practiced in business, is called current cost accounting. The idea is to correct distortions due to past inflation. The problem is that books reflect long-term assets and their depreciation at original cost at date of booking. Current cost accounting adjusts both to the equivalent in current dollars. It shows both net worth and depreciation as higher if prices inflated since booking, or lower if prices deflated. That seems to make sense.

A further adjustment called replacement cost accounting does the same, but also replaces linear depreciation with a curve believed more realistic. National accounts adopt this method. It is sound in principle. But they shape the curve in the wrong direction. They rely on records of actual sales of plant to model depreciation as steep initially and slower later. I suggest that this record is misleading.

My starting point is that value of any capital is discounted cash flow. To keep things simple at first, suppose that cash flow in constant dollars is expected to hold steady for fifty years before asset life ends. Also suppose a constant time discount rate.

Present value at the outset is fifty years of discounted cash flow. At the beginning of the second year, it is 49 years present value of the same cash flow at the same discount rate. All that has been lost is present value of the 50th and most-discounted year. At the start of the third year, capital has dropped again by present value of the 49th and second-most discounted year. So it continues until the end as the discount

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period approaches zero. Depreciation increases absolutely each year, and increases even faster in ratio to capital.

What I have just modeled is depreciation rising exponentially from zero at the start to a maximum at the end. National accounts show the exact opposite. They show it decreasing exponentially from a maximum at the start. The reason for the difference is instructive. I would rather trust the present value formula to show what assets are worth subjectively to their owners. The national accounts prefer to trust evidence as to what they are worth to others if sold. That's a solid method too if the evidence is likely to prove representative. It isn't in cases where transactions are more likely to have been driven by pressure to sell than pressure to buy. Plant is generally tailored to purposes of its first owner, and not meant to be resold. Plant sales tend to follow disappointing results. These are likelier to come early as business plans are first tested. That could explain why evidence without logic has suggested that depreciation tends to start fast and slow down with time.

I would recommend that national accounts continue tracking actual sales as an indicator of true depreciation curves, but limit the study to rental buildings expected from the start to be resold several times. I mean apartment buildings, office buildings and warehouses designed along standard lines. Many investors specialize in buying and selling these tradable assets for portfolio purposes. Pressure to buy and pressure to sell tend to balance.

I can testify that prices bid for them are found either by discounted cash flow or internal rate of return (IRR) methods. IRR is a variant of the same thing. A bid price is modeled as the original negative cash flow in evaluating the proposed purchase. Then the positive cash flows at each year's end are modeled, and the discount rate found which nets present value of all flows together to zero. If this rate is judged competitive, the purchase goes ahead. This method was originated by Keynes in the *General Theory* as his "marginal product of capital".

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And I repeat that most other structures are not meant to be resold. Productive plant is customized to original owners. Tract housing is not, but becomes adapted to them. Original plant operators and homeowners typically expect to stay put. Most do. When they do, their own valuations are higher than would likely be realized in sale. Owners' valuations matter. Economics is more than prediction of sales prices. It is prediction of behavior. It is the owner's valuation of an asset, not a hypothetical outside valuation, that predicts what he will do to exploit and defend it.

My depreciation theory does not jolt settled belief as forcibly as free growth theory or the pay rule and Y rule do. It contradicts only a minor feature of the national accounts. But it contradicts that diametrically, and adds clarity to the pay rule too. It is also original as far as I know. Who has said such a thing before? All the more fun and satisfaction in finding out and setting the record straight. There are giants out there, whether I ever make it to their shoulders or not, and economic history means identifying them.

Retirement Theory

Retirement generally means the period or first moment when people end the careers for which their training has been specialized. The reason is typically not diminished skills and performance just yet, as age-wage profiles show no little or no drop in pay toward the end. I think it is more that we and our bosses see the drop coming.

Literal pay is typically zero in retirement. Instead we earn imputed pay for taking care of ourselves and one another, and for driving the grandkids to the zoo. These services are tangible, not psychic, in that they save the hire of others to do the same. The imputed pay is what the others would have charged. But it typically is not enough to meet our consumption needs. Retirees must typically draw down savings or depend on "social transfer payments", meaning support from government or family or foundations, to make ends meet.

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It seems that these infusions from savings or gift cannot be interpreted as invested consumption to be recovered with interest later, but are rather pure consumption recovered now in the satisfaction of survival. Then human cash flow, or pay less invested consumption, remains positive to the end if we recognize imputed pay. Economists should, I think, because it figures into predicting behavior as much as literal pay. So does psychic pay.

It follows that human capital, meaning present value of all pay in the absence of invested consumption to deduct, continues after retirement. That shows that my parable of the boss and her secretary is oversimplified. Parables tend to be. The secretary may happen to have better skills as a full-time caregiver, which both she and the boss will figure to be in retirement, and so may reverse the disparity in human capital then. All models, I guess, assume *ceteris paribus* (other things equal).

My retirement theory leaves much unexplained. It tries to throw a little light here and there. I believe it achieves some surprise, and even originality until we know better, in my argument that human capital continues after retirement. Yet this follows directly from Ben-Porath. Invested consumption must end when time for recovery runs out, whether or not I am right in ending it with job entry decades before, and human capital must last as long as literal or imputed pay does. The endurance of human capital through to mortality is not logical certitude, but need not be doubted either.

Retouching the Ben-Porath Model

Ben-Porath's life cycle model seems right enough in all features but one. Equations in his 1967 paper imply that pay measures realized work alone. This should be adjusted to show the pay rule. I would also model invested consumption as ending at independence, or a few months later to allow for initial job training. That does not contradict Ben-Porath, who leaves such a possibility open. I would further apply depreciation theory to model human depreciation as growing from a negligible share of pay at first employment to substantially all of pay at the end.

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My model is the same as Ben-Porath's from birth to independence. All consumption and all work are invested, for modeling purposes, until schooling ends at full-time job entry. I model this transition at age 20. Pay, realized work, human depreciation and pure consumption all begin at that point, although human depreciation begins at essentially zero.

Self-invested work continues as an important but diminishing share of work until late in careers, just as in Ben-Porath. I differ from him mildly in that I model all adult consumption as pure consumption. Ben-Porath allows adult invested consumption without assuming it. I regard it as real but negligible. Age-wage profiles are explained by self-invested work and depreciation theory alone.

I model this self-invested work as subliminal accumulation of job experience. My reason is personal observation. What I have seen in plants and offices is people working full time on the job. We don't take time off to learn. Experience simply arrives, much as free growth does. I think that my view on this contradicts Ben-Porath's marginally. He seems to allow some such allocation of time to help explain age-wage profiles.

Next comes retirement. I model this as just shown. Later I will expand this model to include acquisition and disposal of physical capital too. The combined model will give most of the math and mechanics of next generation theory.

Risk Theory

For practical purposes, economic risk is usually measured as expected standard deviation in rate of return. Safer assets vary less from their return norms. Short-term treasuries are thought safest because they combine fixed nominal return with fast liquidity in case inflation threatens. The market overall bids safer expected outputs up and riskier ones down. Since asset value is the denominator in rate of return, and output the numerator, the effect is make risker assets higher in return.

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Risk tolerance might be anything in any individual. As a norm, it tends to be a function of age, gender and wealth. Effects of age and gender are better understood. Teens and young adults, particularly males, seem readiest to take chances. Prison populations and medal of honor rolls feature young males. Part of the explanation, I think, is biologist R. A. Fisher's sex ratio theory of 1930, or equally Bob Trivers' differential investment theory of 1971. Young males show greatest variance in reproductive prospects. Females are almost always assured of a few offspring. Young males might leave none or many. Nature arranges tournaments or displays to give fitter males the advantage.

Another reason is that the young, of either sex, have most time left to outride downswings. The older we get, the more risk-averse.

Some businesses and assets are inherently riskier than others. Nerf balls are safer than hand grenades. But I prefer to look past the asset owned to the owner. We tend to own assets suited to our risk preferences. And we tend to operate it as safely or riskily as we like. That is true particularly of human capital, although it was first designed according to our parents' goals rather than ours. Human capital is probably the most versatile asset, even so, and is adapted to our purposes rather than theirs. We make it as risky as we choose. The risk-averse can become florists or Trappists. Risk lovers can try bullfighting or skydiving. What does that tell us about the relative risk of the factors?

Human capital is owned disproportionately by the young. We own very little physical capital, legally or in practical effect, until maturity. Pay at first is barely enough for survival. We accumulate it gradually as pay rises with age, and then deplete it in provision for the young and in our own retirement. Since physical capital is owned disproportionately by the older and more risk-averse, and human capital the contrary, human capital figures to be higher on average in risk and return.

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There is another useful inference. Adults own assets in the business and housing sectors. Older adults tend more to own debt claims on these sectors, and younger adults to own equity claims. But all adult ages collectively own both sectors collectively. It does not follow that the sectors are equal in risk, as older individuals might tend to own one sector predominantly, and younger ones the other. As a layman, I don't really know.

What I happen to know is that the publicly traded corporate sector, meaning stocks particularly but also bonds, is far more liquid than the housing sector, and that the rest of the business sector is far less liquid than either. Risk in general includes liquidity risk. This leads me to the hypothesis or hunch that the housing sector in general should be safer than the business sector, *ceteris paribus*, but that the publicly traded corporate sector, cap-weighting debt and equity claims on it, may be safest of all.

The idea that stocks and bonds cap-weighted are safer than houses might have been laughed to scorn a few years ago. It doesn't seem so funny after 2008. I view it as an idea to be tested, not trusted, until more is known. If it holds up, it will rank as another surprise.

The effect of individual wealth on risk tolerance is less understood. Here I judge more from hunch and impression than from data. Given that human needs are fairly uniform, as with the private and the general, more wealth gives more insulation from want. Talent is wealth in human capital, and gives the same. Less, in either factor, gives less margin for error. My hunch and impression is that the wealthier in either factor should tend to be more risk tolerant so long as human capital itself is not put in harm's way. Human capital operates physical capital, and gives the means of recovery. The wealthier, in talent or net worth, should prove the least tempted toward sky diving and Russian roulette.

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In this book I will usually be modeling risk and return at the collective scale or at the cohort one. A cohort means the set of all same-aged individuals. It turns out that the ratio of females to males tends to rise with each older cohort, for reasons Bob Trivers explains, as does wealth up to a point. But in cohort analysis, both effects (wealth and sex ratio) are incorporated into effects of cohort age. That will simplify modeling.

My risk theory is another example of what looks to be surprise and novelty until shown otherwise. The unusual idea lies in projecting the owner's time preference/return rate onto the asset rather than conversely. Thus all the owner's assets of both factors are selected or modified to fit her current risk profile. This would count her liquid securities portfolio, cap weighted, as a single asset. All other assets are too illiquid for practical rebalancing. We own the assets best suited to our risk profiles, if for no better reason than that we wouldn't be the winning bidders for any others if we wanted them. As our risk profiles evolve with age, we modify or trade them. We will tend to have anticipated this need, and to have factored modification or trading costs into our bid price. It turns out that this interpretation can simplify the math of present value and present cost.

It helps in supporting the pay rule, and explaining age-wage profiles, by rebutting a hypothesis, sometimes argued, that productivity of human capital might rise with age. Productivity, rate of return and time preference rate all mean the same. My risk theory argues that we know a cohort's risk tolerance from the return to its cap-weighted securities portfolio as a whole. All other assets of the same cohort, including human capital, will tend to agree with it in return. Return to security portfolios tends to be transparent. It declines with adult cohort age. I infer that return to human capital does the same.

My risk theory and depreciation theory together add a finishing touch to the pay rule. The key supporting evidence is age-wage profiles. Depreciation theory offers solid logic, in the face of apparent contrary data, that pay is all human depreciation

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at the end. Risk theory reinforces that impression by adding that the contribution of productivity in the form of realized work/human capital actually declines. One cannot pound too many stakes through the heart of the doctrine that pay compensates realized work alone.

Next Generation Theory

I also treat rate of return. This combined free growth theory with insights of Petty in 1662 and William Stanley Jevons in 1871. Petty's idea was that each generation passes the baton to the next. Our investment horizon is the generation length. Its reciprocal, or one over that period, gives our time preference rate. Jevons also saw time preference as the reciprocal of the period of production, but did not connect that to the generation length. I adjust Petty's estimate of the length from his 21 years to 28.5 by allowing for later births as well as firstborns. The reciprocal is 3.5% per year. I add free growth as an exogenous and unspecified variable.

As with Mill and free growth theory, I have to walk a fine line between crediting Petty and putting my ideas in his mouth. Petty dictated his books and pamphlets, and is not always clear. My idea, probably but not certainly the same as his, is that each generation invests everything in the next in trust that it will do the same. All our capital of both factors, although Petty spoke only of a cornfield, is exhausted in putting the next generation in place. The time horizon to get this done is the generation length.

This 28.5 years, as I model it, becomes Jevons' "period of production". Its reciprocal, meaning one over it, gives rate of return. The idea of a period of production whose reciprocal gave rate of return had begun with Rae in 1934, if you don't count Petty, and passed through Nassau Senior to Jevons and Boehm Bawerk. All assumed growthlessness for simplicity. Return is growth rate plus cash flow rate. It simplifies to the pure consumption rate at the collective scale. All these men, even Petty, were really modeling the pure consumption rate. 28.5 years gives the period of replication, in my view, or period of production if there were no growth.

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Free growth then arrives at its whim, like a *deus ex machina*, without calling for more than this steady effort of replication. I find myself focusing more and more on that cash flow component of rate of return, or pure consumption rate at the collective scale, as the part we can predict and model.

The generation length is a biological norm which probably has not varied by more than a factor of two since Ancestral Eve some 200,000 year ago. This suggests that next generation theory can be tested against data from any period. Meanwhile it predicts only at the collective scale. Collective return is average risk return. Subtract collective growth rate to leave cash flow rate. Return and growth are two of the most closely measured rates in economics. That says that tests of next generation theory should be practical. I will show tables broadly in support.

Next generation theory is a blockbuster. An explanation of interest and return has been the Holy Grail of capital theory. Boehm Bawerk contributed a big advance by revealing return as an artifact of time preference rather than the other way around. Some including Irving Fisher have seen that beautiful insight as enough.

Not me. What explains and quantifies time preference? What turned out to be Petty's idea occurred to me about 40 years ago, when I first took an interest in evolutionary biology. My friend Alan Rogers, a population geneticist I didn't know all the time, was thinking in the same direction. His two published papers on this are in my appendix. Neither of us knew about Petty's priority.

The idea would have been a still bigger blockbuster before the wall came down. Wars were being fought about whether return has any legitimacy at all. Karl Marx, ironically a champion of Petty, may have missed his argument on that.

Petty's idea is really the biological imperative I discussed in Chapter 1. The first priority is survival and reproduction. I will argue that this was implicitly accepted

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throughout economic history until new insights now summarized as the marginalist revolution began in 1871. The marginalists, mentioned in the forward, swapped the telescope for the microscope. They left aside the grand teleologies of Smith and Ricardo and Mill and Marx to refocus on the mechanics of choice. Reasons for tastes or choices were treated as irrelevant. By 1900 or so, the marginalists had given us microeconomics much as we know it today. A century would pass before bioeconomics took form in response to Hamilton's rule.

Summary

That gives the outline. It is a layman's view of what a proper economist might not have attempted. Fools rush in. I will cite sources in economics and biology not to pretend that I am an authority, but to give real ones a chance to check. My case rests on the charts and tables. Mill might have been astonished to find that the kind of growth he described is the only kind to appear in the record.

What makes my book different, aside from my lack of credentials, is the surprises and the unusual degree of abstraction leading to them. Not many writers try to follow a chain of inference as far without the comforting touch of the stone and wood and rope. If Becker had been as venturesome, he might well have solved the age-wage problem in 1964. I see no other path. Economics is all inside. It is tastes expressed in choices. Capital is foreseen satisfactions discounted by whatever our taste for impatience is. Most of it is human capital leaving little market record beyond its rental cost in pay. Logic is about all we have left.

But the story cannot end in thin air. Few would pay the nuisance cost of so much abstraction without prospect of surprising and testable prediction. I will try to deliver that. Mill's idea is a surprise to politicians, if less so to economists, and could hardly be tested more thoroughly and successfully. When new ideas are thought up, Mother Nature says "Shazam" and embodies them at no cost beyond the depreciation plowback we needed anyway. The data could not be more supportive if Mill and I had invented them. Even my proposed solution to the age-wage problem,

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which must have seemed hopelessly stuck in subjectivity, paid off finally in that solution and in a refutation of Piketty's argument. Risk theory and depreciation theory, each surprising enough, reinforced that solution and the pay rule. I said nothing in the this chapter about bank reform because I covered that in Chapter 1.

Predictions of behavior can work because tastes converge to market equilibria. What stands behind the convergence, I argue, is biology selecting tastes that maintain and reproduce us. The idea that we act out the biological imperative is clear in Petty and Malthus, and in the equilibrium wage theory of Adam Smith and David Ricardo, where pay converges to the level preserving the work force. But if I say everything about that now, I will have nothing to say later.

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CHAPTER 3: FOUNDATIONS

Historically, foundations and science itself emerge at the end of centuries of practical application. A logical place for foundations in textbooks is the beginning. So it was with Halliday and Resnick on physics, which began with Newton's kinetics (motion in time and space) and then this three laws. Only in the last chapter did the authors remind us that Einstein later put two of these three into question, and even the kinetics. Halliday and Resnick reasoned, correctly I think, that we sometimes learn more efficiently by learning something slightly wrong first and fixing it later. I will do that, in a sense, by reasoning first through free growth theory as if the Y = C + I equation were true, and then again with the two corrections. The sometimes counterintuitive logic of teaching and learning, including that, is "heuristics".

Building on explicit axioms was common in economics throughout the classical period running from Petty in the 17th century through Mill in the 19th. Then came the major shift in focus, beginning in 1871, called the marginalist revolution. What mattered was less our goals, and more the market mechanisms that aligned supply, demand and price. The meeting point was the margin. Axioms about goals disappeared, including the usual one of prioritizing survival and reproduction, and axioms kept were usually left implicit. The implicit ones, essential to marginalism in my view, included convergent tastes and predictions. I will make those two and others explicit, and eventually add back the goals.

This book on the whole is about second-guessing what is taught. This chapter is different. The nearest thing to a surprise in it is the idea that economics *needs* explicit foundations in the sense of axioms and basic definitions and equations. All the ones I choose are well accepted. Why I pick which should seem obvious in hindsight. But some mini-surprises will accumulate. Why do I take such pains to prove every feature of what everyone accepts already? Why all the boilerplate and bulletproofing? I need them because I will later try to shoot down other beliefs everyone accepts. We must know what is sound to find what is not.

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Another mini-surprise is the physics-like care in definitions. The reason is that my arguments later will drive logic pretty far. Logic needs words that are like algeraic symbols in meaning the same thing all along.

Figuratively and literally, foundations are groundwork. They will be less a chore if you love logic. And you'd better if you're going to like the later chapters. Let's get started.

Orientation

Economics itself, I think, is a quantitative rationale of choices. Psychology is a sister study not explicitly quantitative, and accounting for subliminal behavior as well as deliberate choices. The two fields cooperate and overlap. Economics is quantitative in that it asks how much as well as what, and focuses on numbers. It is science-like in that it looks for surprising and testable predictions in the end. It is philosophy-like in that choices are subjective and that the larger factor, human capital, leaves little market evidence from which to reason upward. Both facts put the burden on reasoning downward from axioms.

Much of the evidence for both factors, meaning physical and human capital, comes from the records of literal markets where we rent and hire and buy and sell. Most economics looked no further until Gary Becker and others expanded the boundaries about 50 years ago. The expansion made sense. A rationale of choices in literal markets alone is a silly concept. It is silly to acknowledge only choices that ring cash registers. We are the same people everywhere. Logic is the same everywhere. We have little interest in axioms that aren't the same everywhere. Becker was right to see choices in marriage and even crime as predictable in terms of supply and demand and price.

That includes psychic price. Once we follow Becker past literal markets, we accept psychic value and yield. We must anyhow. Value is in the mind. Economics works as

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a rationale of choices, hence values, because human nature leads minds to converge. The literal market adds a measure. When we step outside it, we make do without the measure and trust logic alone.

A Diamond Ring Parable

I like a picture of a diamond ring to show something about psychic value and yield, and even about what output and exhaust in consumption are. The ring brings psychic yield to its wearer. If it didn't, it would have no value. Its yield is each psychic satisfaction, and its value sums all time-discounted prospective ones together. Value therefore drops just a little as each yield is finally realized. It is as with apples dropping from a tree. Yet the ring is inert. It ostensibly produces nothing. It also keeps all its value as a ring from day to day. Then where does the outflow of the value in the exhaust come from? How can value go out if none was deducted and none produced? In the tree, we can see the apples growing and falling. The answer is that some value *was* produced in the ring, and some deducted too.

What we didn't notice was the constant shortening of remaining discount periods. As each day passes, each future yield comes one day closer. These are the apples slowly ripening on the tree. Present value of each rises because the discount period covers less time. This creation of value is output by definition, even though nothing has moved but the hands of the clock. As the discount period reaches zero, the expected yield eventuates to explain the taste satisfaction. These yields are the apples falling to be eaten. The ring holds its value intact because the exhaust of value it surrendered has exactly offset the output of replacement value as time alone shortens discount periods. Yet not an atom stirred.

The whole point is that the value of the ring or anything else is discounted present value of foreseen satisfactions. They are discounted because there is such a thing as "time preference"; we value satisfactions now over foreseen ones later. This is not quite the same as the difference between birds in the hand and birds in the bush. That says that we value certainties over probabilities. Time preference also values

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present certainties over future certainties. The reason is studied in a branch of economics called "capital theory". My next generation theory, really Petty's of 1662, proposes what the average-risk time discount rate is and why. Present value of each expected instant of future satisfaction grows at that rate as time shortens the discount period. It disappears, as apples from the tree, when expectation matures into reality.

This diamond ring parable is full of useful lessons. I think it contains substantially all of economics. "Consider the lilies of the field." "They also serve who only stand and wait." A chemist would testify that the ring has done nothing. An economist sees plenty happening. Economics is abstraction. Physical capital is not things, and human capital is not people. It's all in the mind. What an economist sees is present value evolving with time as expectations ripen and eventuate. Output is not what we do, although it has to do with what we do. It is the passage of time. Exhaust is the fruition of time and the harvest reaped.

Only when we allow psychic values can we say that all behavior is economic behavior. It is choices among alternatives. That's what makes economics philosophy.

Axioms

Then what should its axioms be? We would like empirical or real-world certainties. I find none beyond Descarte's *cogito*. Philosophy is certain of next to nothing. We settle for working assumptions. We want ones as safe and few as possible. Those of economics have usually been left implicit since the marginalist revolution. I dropped the course because I felt their need. It should do no harm, at this point, to risk the opposite extreme. Let's try putting everything on the table.

My first axiom, in that spirit, will be unguided natural causality. This need not alarm the devout. It is the working assumption of all science. Working assumptions are not creeds. I cannot rule out the possibility of occasional or even continuous intervention by God to explain what we see. But we know to act as if we ruled it out

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when our science hats are on. Even philosophy, in the Western tradition, leaves revelation aside. A practical consideration is that debates of how God is likely to be motivated to intercede have tended to find little consensus or traction. Science gets some.

I tipped my hand on my own views in Chapter 1. As chairman of the Leakey Foundation for more than 40 years, I pretty clearly buy evolution theory and unguided natural casualty as working assumptions. But I invite those who don't to read further before deciding that we will disagree on conclusions. If I foresaw a conflict with the devout, which I don't, I would feel obligated to warn them now. I'll bring this up again as we go along.

My next few axioms, lumped together, are a mortal and reproducing population which competes, cooperates and freelances to act on convergent predictions. It acts to satisfy convergent tastes in a world of limited resources. I will model the population as human, although other species would do insofar as my axioms hold for them. "Convergent" means non-identical from individual to individual or place to place or moment to moment, but converging to norms with increasing scale in space and time. Predictions converge to outcomes as well as to one another.

The point is that tastes and predictions must be convergent enough for markets to form and hold. A market, as Becker knew, is where anyone makes any choice among alternatives. A literal market is where a choice leaves a quantitative record. Markets cannot form and hold if we cannot predict where to find them and what they supply and when they are open. They cannot form and hold without some consensus that what we predict they will offer includes something we want. Clothing stores can work because our sizes and shapes fall mostly within standard ranges. Their business would be in trouble if we did not agree in number and rough placement of arms and legs and head. Restaurants can work because we can find what we want on a finite menu. Most crucially, clothing stores and restaurants cannot hold unless there is consensus on what their wares are worth in return. All this convergence

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suggests a single species, although the axiom only said population. The ants and the picnickers can compete for the lunch, but they cannot bargain for it. The bar in Star Wars is a great gag because it thumbs its nose at this home truth. We converge in taste for the hilarious.

I will add the biological imperative as a separate axiom later, although much of that at least may be implicit in the first one of natural causality. We hate unnecessary axioms, from good Occamite principle, but we hate unsupported inference or question-begging worse.

I spell out the axiom of mortality and reproduction because I know I'm heading towards Petty's insight and next generation theory. Of course we design foundations to support what we want on top. It seems to me that my axioms mention nothing about rationality, whatever that might mean, except in the sense of assumed convergence of predictions to outcomes. And that assumption itself might not be critical. What seems critical that is the predictions should converge to a known function of outcomes. If they converge to something predictably overoptimistic or overpessimistic, we're still in business. Lacking even that, economic science is stillborn. We can't predict chaos.

That's an example of the principle that axioms need not be strictly true. They must be true enough. We're still in business if God intervenes a little here and there. Much more than that, and the convergent prediction axiom runs into the problem of predicting the mind of God.

The two convergence axioms, of tastes and predictions, are implicit in all microeconomics. "Micro", as economists call it, is about supply meeting demand at price equilibrium. This insight was the main theme of the marginalist revolution. It's exactly what can't happen without convergent tastes and predictions. It's exactly why the bar in Star Wars is a hoot. Ants find price equilibria in ant markets, and people in people markets. Ants and people find no meeting of the minds. Then if

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macroeconomics ("macro") rests on micro, the convergence axioms say only what economics has accepted implicitly since micro began. The "law of one price", meaning market equilibrium, actually begins a century and a half earlier with Cantillon. But Jevons, in co-founding the marginalist revolution in 1871, effectively made it an axiom.

I don't want to seem to claim that the convergence axioms are safe because they are accepted. Arguments *ad majoritatem* or *ad auctoritatem* prove nothing. But markets do seem to form and hold, and the convergences seem implied. Authority and majority are sometimes right.

Not all economists have agreed. There have been "historicists" and "institutionalists" who mistrust the idea of convergent tastes, and prefer to see idiosyncratic national tradition or power groups or mindsets as the prime movers in place of uniform human nature. Heinrich Schmoller, a historicist who stressed national differences, tangled with Carl Menger, an independent co-founder of the marginalist revolution in 1871, in a childish feud for which Menger was at least as much to blame. If you must answer your critics, be gracious. Thorstein Veblen, an institutionalist from Wisconsin, coined the term "neoclassicism" for what we now call marginalism. He made fun of it for missing the role of institutions in driving economies for institutional or collective goals rather than individual human ones.

I think there's something there. My main theme in this book is growth theory at the collective scale. I argue that collective growth flourishes where laws and practices and cultures nurture and protect it. These are national institutions. New ideas, by definition, are opposite from the fungible commodities for which supply and demand meet at price equilibria. Somehow they come. Dogs bark, cats climb, people innovate. I'm with Menger and Jevons and the marginalists and human nature, but with asterisks there too. There is plenty left for historicists and institutionalists to help explain.

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Vocabulary and Catechism

The words microeconomics and macroeconomics, by the way, didn't exist until Ragnar Frisch coined them in the 1920s. We use terms retrospectively to describe old arguments in language familiar now. That segues into the next steps in the foundations. What should be the basic vocabulary and catechism, meaning basic logic, in terms understood today?

Consideration of purpose always comes first. The purpose of economics is prediction. We happen to know that one of the most powerful predictors of economic behavior is maximization of risk-adjusted return. This was Robert Turgot's insight of 1766, although he left the risk variable unsaid. (His real first name was somehow Anne, so we'll go with the second). He wrote that return equilibrates across markets as investors leave low-return businesses to crowd into higher-return ones. The shift bids up capital denominators in the higher-return businesses, and conversely, until return converges. It was David Ricardo, in 1817 who added that the convergence is more exactly for businesses judged equal in risk. The evidence is everywhere we look. I call this the maximand rule: all behavior maximizes perceived risk-adjusted rate of return. I'll show its proof below. That means all behavior in all markets, and markets are where any choice among alternatives is made. Return means ratio of (net) output to capital generating it. Then the vocabulary wanted might as well include capital and output.

But what is capital? Economics is choices, and the measure is price or value. Price can't be measured exactly outside literal markets, which is why economists follow those markets, but is measured in principle by what we give up in exchange. The price of any capital, even human capital, is given by the present value rule as time-discounted cash flow. Then cash flow and its positive and negative components belong to the basic vocabulary, while the present value and maximand rules both belong in the catechism. Output is total return, so the total return truism belongs in the catechism too.

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What other basic terms do we need? Cash flow at the collective scale, where transfers cancel internally, and there is no source of investment from outside, simplifies to exhaust of value in taste satisfaction. There is no negative component because there is no external source of new investment. Tradition through most of economic history has called this exhaust consumption. Schultz recognized some consumption as investment in human capital, I said earlier, and limited the exhaust to "pure consumption". I will use this and the term "exhaust" interchangeably. Then transfer, consumption, exhaust and pure consumption belong in the vocabulary too. So does "invested consumption", my restatement of Schultz' "pure investment" in human capital.

This seems to be the right track. The object is prediction of behavior. The maximand rule predicts all behavior, and I have sought to build a vocabulary and catechism to clarify its terms. The right vocabulary, thank gosh, is mostly the one we have all used since Adam Smith or even Petty. It has needed only a little tweaking and clarification, as to the two kinds of capital and consumption for example.

There is a "fundamental theorem" of calculus showing how differentials and integrals fit together. Its proof takes a lot of thought. There is a simpler one for algebra. Might a fundamental theorem of economics be helpful? Obvious candidates would include the maximand rule predicting all behavior, the total return truism explaining the output numerator of the maximand (rate of return), and the present value rule explaining the capital denominator. For years I chose the maximand rule as the fundamental theorem. Then I preferred the present value rule as more fundamental since it explained the denominator. But so would be the total return truism in explaining the numerator. Now I opt for the judgment of Paris. Let the three together be the fundamental theorems of economics. The maximand rule is the centerpiece, and the other two define its terms. All three together are much easier to follow, mercifully, then the one of calculus.

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The vocabulary can also include the standard distinction among stocks, flows and rates. These are only definitions, not assumptions. Stocks means value measured in money units, say dollars. This is not the same as stock in the sense of equity securities, although those can be examples. Flows means processes such as output for consumption measured in dollars per unit time. Flows are to stocks as verbs to nouns. Percent rates are flows divided by stocks, as rate of return or growth rate, and are measured in pure numbers over time such as 5% per year.

Now for the fundamental theorems. Take the present value rule first. It starts from the axiom that we satisfy convergent tastes in the light of convergent predictions. In a simple case, we foresee that an asset (stock) is likely to yield a certain amount of taste satisfaction flow at a certain future time. We discount that expected amount at a time preference or time discount rate given by our taste for impatience, tempered by our taste for risk avoidance, to find its present value. Present value of the whole asset is the sum of present values of all the expected future satisfactions together.

A more general case allows for transfers. The future events we foresee and discount are not always exhaust in taste satisfaction by ourselves at the time. Some might be foreseen liquidations to reinvest in other assets or to give away so that we or the donee can realize the taste satisfaction later. Either reinvestment or gift is called transfer. I call it "transfer out", meaning out from the generating asset. Then

$$\text{transfer out} = \text{reinvestment} + \text{gift}. \tag{3.1}$$

There can also be transfer in. Sometimes future realizations, in taste satisfaction or transfer out, are not explained as production by the asset as it is now. The asset might grow later by new investment from outside, and the investment in between might help explain the later yield. If an eighth-grader is destined to become a doctor, for example, her foreseen earnings as a doctor will presuppose investment in high school and college and med school in between.

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The expected future flow we discount to present value, allowing for transfers too, is exhaust plus transfer out less transfer in. This net difference is called cash flow. That is,

$$\text{cash flow} = \text{exhaust} + \text{transfer out} - \text{transfer in}. \tag{3.2}$$

That's the logic behind the present value rule interpreting capital as discounted cash flow.

Human cash flow may not be defined in those words anywhere but in this book. But the flow discounted to find human capital is understood everywhere, I think, as pay less what Schultz called pure investment and I call invested consumption. I defended this idea in my analogy between human capital and the firm. Thus I endorse the tradition that human capital is pay less invested consumption discounted to present value. That is,

$$\text{human cash flow} = \text{pay} - \text{invested consumption}.$$

It turns out that this is not logical certitude, or an inference from axioms already given, and so it is not strictly part of the foundations. I will defend it in later chapters.

The great convenience of the present value rule and its application to human capital is that it allows the factors to be added as a dollar sum. That helps in understanding the total return rule.

That rule begins with the truism that growth of anything is internal creation plus flow passed in less flow passed out. That shows as

$$\text{growth} = \text{creation} + \text{flow passed out} - \text{flow passed in}. \tag{3.3}$$

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Algebra now allows

$$\text{creation} = \text{growth} + \text{flow passed out} - \text{flow passed in}, \tag{3.3a}$$

since terms can change sides if they reverse signs.

Economics is interested in creation and growth of value. Value in the stock sense means capital in general. Most economists most of the time use the word to mean only the "physical capital" we buy and sell. But the truism works for anything. I sometimes prefer the generality of "value", meaning any amount of any mix of human and physical capital. This again can be called either "total capital" or value interchangeably.

Flow of value passed out is exhaust plus transfer out, and flow passed in is transfer in. Creation of value is output in the net sense. Then (3.2) and (3.3a) give the total return rule

$$\text{output} = \text{growth} + \text{cash flow}. \tag{3.3b}$$

"Income" means rights to output, and is implicitly equal to output. Like most writers in economics, I will use these words more or less interchangeably too.

Now comes the centerpiece. A good starting point is the present value rule. We assemble value or total capital to satisfy foreseen tastes. But we also satisfy current tastes by spending current cash flow. At the scale of the total capital (value) of the individual, were reinvestment cancels internally, cash flow simplifies to exhaust in taste satisfaction plus gift given less gift received. Then

$$\text{individual cash flow} = \text{net gift} + \text{exhaust}, \tag{3.4}$$

where net gift means gift given less gift received.

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Consider net gift. Its negative component, gift received, is concurrently added either into total capital growth or into exhaust. Thus it is the contribution to those two desiderata explained from outside, rather than by the individual's behavior. Net gift deducts that negative component (gift received) from the positive one to leave the part which the individual's behavior explains. Thus individual output, as the sum of growth and net gift, is the sum of desiderata realized by behavior. That makes it the unique behavioral maximand as a flow. Division by the individual's total capital, which is her whole means of behavior, gives total capital rate of return as the rate maximand.

This can be summarized in a slightly different way. Cash flow measures the means of taste satisfaction now. Total capital growth measures gain in means of expected satisfactions, discounted according to our taste for impatience (time preference) tempered by our taste for risk aversion. Output is their sum. Behavior reveals and maximizes the taste satisfaction including provision for future satisfaction. Therefore risk-adjusted output is the flow maximand. Capital of both factors, at present value, is defined as the whole means of that satisfaction, and implicitly of behavior. Therefore risk-adjusted return, the ratio of the flow maximand to its means, is the rate maximand.

What Turgot said in 1766, in his *Reflections*, was

> "... as soon as the profits of one employment of money... increase or diminish, capitals turn in that direction... or withdraw and turn to other employments... Whatever the manner in which money is employed, its product cannot increase or diminish without all the other employments experiencing a proportionate increase or diminution."

Turgot did not allow for risk in this quick summary, but otherwise explained the mechanics that tend to equalize return.

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The rule does not say that risk-adjusted return tends to hold constant over time. To the contrary. Return equals growth plus cash flow, and my charts show the growth component as a bucking bronco. The maximand rule says only that risk-adjusted return is always the maximand. It is not always the same as time changes circumstances. Proof is in Turgot's equalization of return at each moment, not from one moment to the next. That is what we see wherever we look.

There is a quibble worth attention. Behavior seldom expresses taste exactly. We say one word when we mean another. We reach for the coffee, and accidentally spill it. That was the point of my axiom that predictions converge to outcomes, as well as to one another, only on average. Outcomes are generally a little better or a little worse than predicted. There can even be systematic bias where all people together seem overoptimistic or overpessimistic accordingly to circumstances, as shown in the psychological economics of Hanneman and Tversky. The axiom requires that these biases offset over scale and time. That sounds plausible, and anyhow makes analysis easier.

The maximand rule would be ridiculous if terms were defined in a literal market context only. Markets must be defined as wherever any choice is made. It would be ridiculous if cash flow were understood to presuppose literal cash, or even the necessity of some *quid pro quo* to explain motivations. Unreciprocated gift down the generations drives lineage survival.

All behavior means all behavior. The miser maximizes the growth component in return, the parent or philanthropist maximizes the net gift component, and the good-time Charlie maximizes exhaust.

Have I gone too far in this claim? Try to imagine an exception. What kind of behavior might not maximize perceived risk-adjusted return? What if I jump out the window? Deliberately drive my car into a tree? Sell a cow for a handful of beans? Maximize a

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pile of nuclear waste in my safe instead of cash and securities? Drive a truck filled with dynamite into a crowd of unbelievers? Write a book on economics when I have no credentials? Sing when I have an atrocious voice? All express my tastes. There is no escape. Behavior reveals taste satisfaction in the broad sense including provision for future satisfactions.

Tastes, Aims and Ends

I usually mean the word "tastes" as objectives whose satisfaction exhausts capital value. By that usage, as we just saw, the truism that behavior reveals tastes must be interpreted carefully. We see current taste satisfaction at mealtimes. Between meals, we mostly see buildup of capital to satisfy tastes in future. And we sometimes are motivated to give capital away, as in raising the generation to succeed us. I sometimes use the term "aims" to mean the sum of this exhaust plus gift plus buildup. Then to say that output realizes growth plus cash flow is to say that it realizes aims. All behavior reveals and maximizes aims explained by ends. This again puts the maximand rule in a different way.

As capital of both factors is our whole means of behavior, and as it is present value of foreseen taste satisfaction and nothing else, we might first suppose that taste satisfaction is our unique *final* goal. But that too could mislead. Biology shapes our tastes, and shapes them to replicate the generations. I treat the biological imperative as the "ends" driving tastes and aims. Our two complementary ends are adult survival and replication of both factors for survival of the young. This idea underlies next generation theory.

What we maximize is risk-adjusted present value of current plus foreseen taste satisfactions by ourselves plus donees. Current taste satisfaction or exhaust by ourselves is counted at full value, and foreseen ones are added at a time discount. Transfer is part of the mechanics. The exhaust plus growth plus gift are the aims, in whatever proportion we like, and our subliminal deeper motive of lineage survival is the ends.

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Subjective Certitude

Tautologies or truisms are logical certitudes. My three fundamental theorems are cases in point. The total return truism is a classical example. Since growth is creation less net outflow, creation is growth *plus* net outflow. This gives unqualified certitude to the doctrine that output, or creation of value, is growth of value plus cash flow (net outflow of value).

The other two fundamental theorems are certitudes in a subjective sense. What they predict infallibly is intentions. The present value rule must give capital value as we see it individually. Only under the convergence axioms does it predict observed market equilibria. The same is true of the maximand rule. This rested on the same axioms and the one that a population acts to satisfy tastes (in the sense of aims).

There are schools of thought, including Popperians and deconstructionists, which disapprove of logical certitude on grounds not clear to me. They are wrong. A rose *is* a rose. Nor are all examples as inane as that one from Gertrude Stein. All of math is derived as logical certitude. Its proof comes from analysis, not experiment. Proof of Fermat's last theorem eluded some of the finest minds in the world for three centuries until Andrew Wiles published the solution in 1995. Philosophy is precisely a search for hidden truisms or tautologies. Economics is philosophy when it does the same. The pay rule shows that their inferences can be startling. Age-wage profiles are technically illustration, not proof, of the proposition that human depreciation is *expected* to be recovered in pay. That follows from definitions and needs no evidence in proof.

The pay rule is not wholly logical certitude because it also proposes that maintenance consumption is *not* recovered in pay. Rather I argue that from the biological imperative: maintenance is exhausted in satisfying our taste for adult survival. The fact that few can have doubted this since the physiocrats has nothing to do with proof. The shock, anyhow, is in the expected recovery of human

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depreciation. This opened a can worms. It contradicts the Y = C + I equation, and the related belief that output equals profit plus pay. I will try to track down some of the worms, as I promised, and release new ones in the process if I must.

This book will continue to hunt for certitude, absolute when possible and subjective otherwise. If the convergence axioms are trustworthy, behavior will reveal aims well enough.

Output Exhaust

I define output as creation of value, and equivalently of capital. Does this overlook the possibility that output might also create taste-satisfying pure consumption directly, without passing through a capital phase first?

Such a thing is possible in math, but not in economics. Since capital is foreseen eventual exhaust, exhaust not drawn from capital in place would be implicitly unforeseen. This is the flip side of the deadweight loss rule. Economics is a rationale of choices, and neglects unforeseen taste satisfaction as unable to influences choices.

Those unforeseen and hence costless satisfactions are called "free goods", and ignored as outside the economic purview. They why not ignore free growth too? Growth is roughly foreseen and factored into choices, for one thing, even if I am the first since Mill to foresee it as free. For another, even unforeseen events are of economic interest if they affect means or choices *after*. Free growth does. Costless satisfactions leave no trace.

Note in any case that the total return truism (3.2) through (3.3b) does not depend on this inference. Those equations describe creation of value, not necessarily of capital alone. Output exhaust would be added both to output and to exhaust, and would disappear in their difference.

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Basic Glossary

I use standard terms when I can find them, and coin new ones like "aims" and "ends" when I can't. But even standard ones are ambiguous. The vocabulary of economics is not settled. Look up "capital" or "output" or "cash flow", for example, in any economic dictionary. It will show ranges of meanings, and appreciably different ones from one dictionary to the next. I coped by defining as I went along, and would have had to do the same even if this book were meant for economists only. Otherwise the ambiguities would have left loopholes.

Definitions include:

Aims:	Intention to maximize the sum of current taste satisfactions plus gift, plus growth in means of future satisfactions and gift.
Capital:	Means of aims; human plus physical capital; present value of expected cash flows.
Cash flow:	Capital passed out, in transfer or exhaust, less capital inserted from outside.
Ends:	Rationale of aims; biological imperative.
Exhaust:	Termination of capital in taste satisfaction.
Flow:	Any process measured in capital per unit time.
Human capital:	Present value of skill sets; capital whose outside operating cost is exhausted in taste satisfaction; present value of pay less invested consumption; present cost of past invested consumption less pay.
Income:	Rights to output; equal to output.
Invested consumption:	Transfer into value of human capital.
Maximand rule:	All behavior is maximization of perceived risk-adjusted output and return as a flow and a rate respectively.
Net transfer:	Transfer out less transfer in.

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Output:	Creation of wealth, or equivalently of capital of either factor.
Physical capital:	Capital whose outside operating cost does not satisfy tastes.
Present value rule:	Capital of either value is expected cash flow discounted at our time preference rate.
Profit:	Output of physical capital.
Pure consumption:	Same as exhaust.
Rate:	Quantity measured as a flow over a stock, and equivalently as a pure number over time.
Stock:	Quantity measured in dollars alone. Same as capital.
Tastes:	Intentions whose satisfaction terminates capital in exhaust.
Total return rule (or total return truism):	Output equals capital growth plus cash flow.
Transfer in:	Value inserted from outside. Same as new investment from outside.
Transfer out:	Value passed out and recovered fully in other assets rather than exhausted.
Wage:	Same as pay.
Work:	Output of human capital.

Summary

When I first thought these foundations through, maybe 25 years ago, I was just as happy to see that they held so little originality. The vocabulary is about the same as in Adam Smith, and the three fundamental theorems are well accepted. Any composer knows that originality should be incidental. Our music says what we think

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needs saying. If it does, that tends to mean that it is new to the current conversation. It need not be new to the world.

All three fundamental theorems are part of the daily conversation of investors and finance economists. They are not much on the screens of microeconomists and macroeconomists. There may have been some originality in spelling out the implicit axioms behind them, and in generalizing them into all capital including human capital if we trust those axioms.

One of the mini-surprises was that gift appeared in my very first equation. Cash flow at the scale of the total capital of the individual, where reinvestment cancels out, simplifies to gift and exhaust alone. Obvious in hindsight, but surprising if we have been taught that economics is all about *numero uno*. I think it is about adults giving to the young to keep the generations turning.

That sets the theme of this book. Old ideas will find unfamiliar combinations and applications. Those are originality enough. But so many little stretches of the tried and true can be hard to track.

Economics needs a special and counterintuitive mindset. The guiding principle is the analysis of the diamond ring. Economics means taking our minds off the physical substrate. That goes to the corners of our eyes, not the focus. Capital is not people and things. It is present value of foreseen cash flows. Output is the ripening of these foreseen flows with time, and exhaust is the harvest eventually reaped. Economics takes us through the looking glass to a place the same but different.

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CHAPTER 4: MILL'S IDEA

Mill's Paragraph

It always seemed obvious to me that growth is free. Survival costs investment in the next generation, but growth costs nothing more. It seemed to me that innovation is the human specialty, that we pay its cost every day as the cost of being human, and that growth happens when genius or circumstance somehow gives it traction. I spent most of my life assuming that all economists, but not politicians, thought the same. I since learned that economists, following Solow, teach something close but different. So I guessed that I had hit on something new.

I hadn't. We read economic history to learn that our ideas are seldom original. Thomas Malthus, contradicting his friend and rival David Ricardo, wrote something like my or Mill's free growth theory in 1820. Chapter 7 of his *Principles*[1] says this in several ways. One example is

> "When we have attained…increased and steady profits, we may then begin to accumulate, and our accumulation will then be effectual. But if, instead of saving from increased profits, we save from diminished expenditure; if, at the very time that supply of commodities compared with the demand for them, clearly admonishes us that the proportion of capital to revenue is already too great, we go on saving to add still further of our capital, all general principles concur in showing that we must of necessity be aggravating instead of alleviating our distresses."

John Rae renewed this theme in 1834. Book 1, Chapter 10 of his *New Principles*[2] includes

> "If an improvement, for instance, in the art of baking bread were effected, by which, with half the labor and fuel, equally good bread could be produced, it would not benefit the bakers exclusively, but would be felt equally over the whole society. The bakers would have a small additional profit, the whole society would have bread for the product of somewhat less labor, and all who

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[1] *Principles of Political Economy Considered with a View to their Practical Applications*

[2] *Statement of some New Principles on the Subject of Political Economy*

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> consumed bread, that is, every member of society, would from the same outlay have somewhat larger returns. The whole series of instruments owned by the society would be somewhat more productive, and would be carried to an order of quicker returns."

The clearest expression, and probably clearest even today, came from Mill in 1848. He put it that output growth can precede and explain capital growth as well as the reverse. Crediting Rae, he wrote:

> There are other cases in which the term saving, with the associations usually belonging to it, does not exactly fit the operation by which capital is increased. If it were said, for instance, that the only way to accelerate the increase of capital is by increase of saving, the idea would probably be suggested of greater abstinence, and increased privation. But it is obvious that whatever increases the productive power of labor creates an additional fund to make savings from, and enables capital to be enlarged not only without additional privation, but concurrently with an increase of personal consumption. Nevertheless, there is here an increase of saving, in the scientific sense. Though there is more consumed, there is also more spared. There is a greater excess of production over consumption. It is consistent with correctness to call this a greater saving. Though the term is not unobjectionable, there is no other which is not liable to as great objections. To consume less than is produced, is saving; and that is the process by which capital is increased; not necessarily by consuming less, absolutely. We must not allow ourselves to be so much the slaves of words, as to be unable to use the word saving in this sense, without being in danger of forgetting that to increase capital there is another way besides consuming less, namely, to produce more.

The words "accelerate" and "concurrently" show that Mill understood calculus. His autobiography says that he hadn't really learned it from his father James, who had bought a book and was trying to teach himself and the 13-year old son at the same time. The son studied it in his later teens at school in France. He like me was writing for everyone, and preferred to keep explicit math off the page. But the quote reminds us that the only alternative in economics is implicit math in sentence form. The paragraph implies the Y = C + I equation: output equals consumption plus investment. I go a tad farther, starting one chapter ago, by offsetting my word equations from the running text. These show equal signs and plus and minus and

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division and multiplication signs, rather than keeping them inside the paragraph and writing out such words as "equals" and "plus". These word equations are usually easy enough to read. My appendix will cover them and more in notation.

Mill's equation may be as old as economics, although I haven't found it put explicitly before Keynes wrote it in his *General Theory* 1936. It is now foundational to national accounts and macroeconomics (the art of balancing full employment with price stability). I showed why I agree only if we add a couple of imaginary asterisks. We have to mean total capital growth and pure consumption. Mill and tradition have meant physical capital and all consumption.

That leaves me with something like the heuristic problem of Halliday and Resnick. They started with Newton as something familiar and accessible and common-sensical. I will follow suit. I will reason as if Mill's equation were right. My own argument is exactly the same if we remember the hidden asterisks. That saves us all the trouble of going through it twice. Chapter 4 will restate it in terms of total including human capital just to make sure.

It is an unsettling argument either way. It unsettled Solow. Chapter 2 showed why. We are probably more comfortable to think of income as something known which we can slice into consumption and saving slices as we like. Less of one would mean that much more of the other. That would put us in charge. We can always consume less by will power. If less consumption meant more growth, we could grow at will.

Keynes showed otherwise by invoking the old paradox of thrift. If everyone put money in vaults instead of consuming, consumption would go down while money piled up. But the added money would find less output to buy with it, as nothing new was created to compensate for the drop in consumption. The value of the piled-up money would vanish in inflation. Saving would equal investment in the end because both disappeared. The Y = C + I equation shows the math. It say that less

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consumption C means either more investment I or less output Y. It doesn't say which happens.

Investment, for Keynes, meant creation of new productive assets. He was right in seeing that as the goal. But his analysis leaves too much outside. What I miss is a variable for investment quality. Investments in new productive assets in 1929 or 2008 yielded negative return. Money in vaults did better.

I prefer an approach which takes our minds off the ultimate goal in new productive assets. I drop all distinctions between saving and investment. Either word means the other. What matters is its intended and realized return. That is the missing quality variable. Notice that I don't have to specify "risk-adjusted" return because Keynes and I are describing only at the collective (national) scale. Risk of all investments collectively is average risk. This can be implicit whenever I describe at the collective scale.

Keynes' analysis and equations appear in his *General Theory*. He was addressing the world depression. A theme was that households do most saving, while businesses do most investing. Banks collected the saving and made it available for business to borrow and invest. But business lacked the "animal spirits" to take such a risk in a slump. We saw the same story after 2008. Keynes' proposal was for government to do the borrowing and investing instead. That's part of the "fiscal policy" I described in Chapter 1. Here we tend to agree. That would explain his sense of urgency as to new productive capital as the most direct way to put idle plant and workers back to work.

I prefer to suspend judgment on what is a new productive asset and what isn't. I think my way of putting things is both simpler and subtler than Keynes', although at sacrifice of his explicit focus. Saving and investment, in my language, are the same from the start. The maximand is return. Consumption foregone will translate into

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capital growth insofar as rate of return actually realized matches the current norm. Less return makes less growth than consumption sacrificed, and more makes more.

But collective return can be a surprise. Boom years and bust years arrive unforeseen. The cost of investment in consumption given up, whether individually or collectively, never agrees exactly with what it proves to be worth at market. Gunnar Myrdal, in 1939, coined the terms *ex ante* for the first and *ex post* for the second. The bucking bronco describes the *ex post* picture overall.

Ex ante (at cost) and *ex post* (at market) investment agree when market-realized return holds unchanged. Lower return means that *ex post* outcomes fell short of *ex ante* cost and expectations. Higher return means the reverse. That gives the context of Mill's idea. And he clearly isn't talking about growing or declining by random luck. His prime mover is "whatever increase the productive power of labor." He knew that this meant innovative ideas. Can we dial them in as we like? All he says is that they need cost nothing in consumption missed. Then how might that work?

Gross and Net Investment

Keynes, accepting the Y = I + C equation, defined saving S as gross income less consumption C. I draw the impression that he implicitly defined output as creation of economic value. So do I. He defined gross investment I as gross output less consumption. Gross in both cases meant gross of depreciation. He knew that income and output are equal, at all scales, since the first means rights to the second, and gave both the symbol Y as I do. It followed that saving and investment are also equal. The meaning was that actually realized saving, as distinct from consumption restraint in hopes of saving, had to be realized in investment. This is the home truth which I accept but prefer to rephrase.

I have traced Keynes' argument and language on these points because I think it is now generally accepted by Keynesian and anti-Keynesian and neo-Keynesian schools alike. That's why I think my own interpretation differs from a general

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consensus rather than supports one school over another. I think it is the consensus view, as well as Keynes', that his "attempted saving" means gross saving (gross income less consumption) not invested in new productive assets. That can be written as

Keynesian attempted saving – transfer payments
= Keynesian net saving = Keynesian net investment,

at any scale.

I accept Keynes' definition of transfer payments, and I recognize the importance of his distinction of those from investment in new productive assets which put idle plant and workers to work. My interpretation, even so, is that it is better to leave them idle than to put them to work unproductively. Keynes made his opposite view crystal-clear with his brilliant tongue-in-cheek parable of money buried in mineshafts and idle workers hired to dig it up. He had a sense of theater as well as a great mind. And he just might have been right. But I think my way of putting things encompasses that possibility. His mineshaft scenario works if it somehow maximizes return in the big picture.

My language differs from Keynes' in several ways. I prefer Myrdal's *ex ante – ex post* dichotomy, published three years after the *General Theory*, to Keynes' equivalent attempted-realized one. Like Myrdal, and unlike Keynes, I apply it to investment as well as saving. That's why I treat them as synonymous. And I prefer to recognize human capital explicitly. Keynes surely understood the concept. He was the star pupil of Alfred Marshall's later teaching career, unless he shared that distinction with his lifelong personal friend and professional adversary Arthur Pigou, and Marshall and Pigou both describe human capital in principle. Marshall wrote that he neglected it as something outside what he saw as the main sequence ending with consumption. Keynes could have agreed, or could have meant to provide for it implicitly by defining output as investment plus consumption while realizing that

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some consumption is investment in human capital. I said what I think this overlooks (self-invested work) and what it forgets to exclude (recovered human depreciation).

My own way of putting things mightn't strictly need the terms investment or saving except to translate my ideas into the language we all know. That translation is essential if I hope to be understood. It will first take account of the fact that Keynes meant investment and saving as to physical capital only, with labor or human capital to arrive exogenously as an outcome somehow of consumption. That led to the $Y = I + C$ equation

$$\text{output} = \text{investment} + \text{consumption}. \tag{4.1}$$

Gross and net versions of (4.1) meant gross and net of depreciation. Thus

$$\text{gross output} = \text{gross investment} + \text{consumption} \tag{4.1a}$$

and

$$\text{net output} = \text{net investment} + \text{consumption}. \tag{4.1b}$$

In the *General Theory*, where (4.1) appears in his Chapter 6, (4.1) it means the gross version unless otherwise specified. I prefer the opposite, and mean the net version (4.1b) unless otherwise specified.

My *ex ante* investment corresponds to Keynes' "intended saving" through consumption restraint. My "depreciation investment", or "depreciation plowback", means just enough *ex ante* investment to offset actual depreciation, not book depreciation, of physical capital. I assume that we intuit roughly how much this is when I say that optimum *ex ante* investment is depreciation plowback. Now let's consider how that could be true.

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Growth Mechanics

Start with simplicity. Imagine a changeless world where people and things replicate themselves exactly. Chapter 3 showed that in total capital terms including human capital, although neither Mill nor Keynes used them, depreciation of both factors together, net of transfers from one to the other, equals exhaust in taste satisfaction. "Replacement investment," or "depreciation investment," is just enough to turn the generations over as new (net) output makes up the loss to consumption exactly. Ideas hold unchanged. That wouldn't be too far from the truth for our million years as *homo erectus*, or our millennia after as *homo sapiens* until some 50,000 years ago, or our centuries in the dark ages after Rome fell. Most of the new norms we innovated, although not all, eventually regressed to the old ones.

Next imagine growth of everything at a constant rate. Capital, consumption and output all grow in constant proportion. Economists now call this "balanced" growth. Mill had described that possibility in 1844. Balanced growth isn't driven by consumption restraint, as consumption never lags. And it isn't driven by productivity gain, meaning more output per unit capital, since output grows no faster. What drives it?

Suppose first that there are still no new ideas. If we are pioneers in a new world or empty niche, we might be able to increase numbers of exactly the same things and skill sets until we reach niche limits. Then what would pay for capital growth in that case? Zeno the Eleatic might insist that depreciation investment is never enough because it chases a moving target. But depreciation moves just as fast. Identical capital means identical in depreciation rates. That means the ratio of depreciation (pure consumption) to capital. The two racers hold neck and neck indefinitely. Depreciation investment is still enough, just as it was in the growthlessness before. In balanced growth, as in standing still, it is the only need for of capital replacement.

Now comes a tougher problem. Niches in the real world are typically more or less full. Here old ideas alone can't bring growth. David Ricardo, Thomas Malthus and

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Edward West had written in 1815 that in economies already developed, there isn't much room for more capital of the same kind. Its productivity disappears in capital glut and diminishing returns. There could still be growth when some of the new ideas would need only redeployment of existing kinds of capital, as in relocating production nearer to the market or cutting out the middleman. This redeployment was Solow's "disembodied growth." But growth after that have to come from capital new in kind. Hourglasses might have to give place to pocket watches, or sailing ships to steamships. Those were Solow's "embodied" growth.

The apparent problem here is that novelty is expensive. There are blind alleys and failure rates and learning curves that rote replication avoids. This is true somewhat even in disembodied growth, where redeployment is already a step into the unfamiliar. If depreciation investment is barely enough for balanced growth without new ideas, how can it also pay for the failure rates and learning curves?

A tough question. And Mill was posing an even tougher one. The paragraph quoted is clearly describing capital acceleration. Capital as he describes it is not only innovating consistently as it keeps up with consumption, but picking up the pace, and still taking the innovation costs in stride. Is that too much even for Achilles?

It is not. Charts and tables show that the kind of growth Mill describes has proved the only kind in every country and period where tests are practical. It has proved the only kind whether capital was growing faster or shrinking faster or anything between. The growth bronco bucks, and the consumption rider stays on. This is what clearly happens, or anyhow has happened so far, despite so many reasons to think it is impossible. What would explain it?

First take the lesser puzzle. Balanced growth, where capital, output and consumption all grow at the same constant rate, must make do with depreciation investment. How can it in crowded niches where growth compels the costs of innovation? Chapter 2 showed my inference that these are the costs of being human.

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We were paying them as *homo habilis* two million years ago. The cost went up, but the value of innovation just as much, when *homo erectus* arrived a little later. Both rose again with the emergence of Ancestral Eve 200,000 years ago. Adaptation is the human specialty. Its what gets us through the day. Innovation is adaptation that happens to become new norms. It started leaving a record of embodied growth about 50,000 years ago. That doubled pace about 400 years ago. The costs of being human are the same failure rates and learning curves whether the payoff in adaptation/innovation means faster gain in good times or slower decline in bad ones. We row at a steady stroke, and gain against the shoreline when our new ideas are particularly good ones and the current is right.

My idea, whether or not Mill's, is that these costs might be about the same for breakthroughs or meta-ideas or paradigm shifts as for modest upgrades, or even for holding even in a world of daily surprises. Ideas trade in an inefficient market. Cost is dissociated from value, and cause is desynchronized from effect, by the vagaries of genius and the whim of circumstance.

Now the tougher puzzle. How can consumption keep up with capital even in accelerations? That's what Mill described, and that's what happens. Can Achilles catch the tortoise even when the tortoise speeds up? Put your money on Achilles. Here it is Gunnar Myradal to the rescue. The apparent problem is that *ex ante* depreciation investment is never enough in acceleration. But the charts and tables show unanswerably that *ex post* depreciation investment is. We sow the first, but reap the second. Plowback of depreciation investment is up to us. Growth is whatever is added by genius or happenstance. The difference between market value and cost is sometimes luck, which neither loses nor gains in the long run, but sometimes imagination. Mother Nature and Gunnar Myrdal simultaneously say "Shazam", and convert new ideas into embodied or disembodied growth without surcharge for the novelty.

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That still leaves the mystery only half solved. How exogenous (sourced from outside) are the genius and happenstance? Can we coax them along by policy? That isn't really my field. What seems reasonably clear is that growth flourishes in secular free markets with solid infrastructure and rule of law. How to get *those* things is the problem. I will suggest that the answers, whatever they are, will be developed outside the usual marginalist perspective of supply and demand.

The Free Growth Equations

Now back to Mill's argument. Notice first that he puts it all in the present tense. Modern growth economists have preferred what I called the lagged flows method: spikes in investment are compared to later ones in output. Mill here is substituting what I called a concurrent rates method: he compares changes in consumption rate to changes in capital growth rate at the same time. He writes that "whatever increases the productive power of labor … enables capital to be enlarged … concurrently with an increase of personal consumption."

Let's follow that. Mill's root assumption is the Y = I + C equation in its net form (4.1b). Put the *ex post* version as

$$\text{output} = \text{growth} + \text{consumption}, \tag{4.2}$$

meaning net output, growth of physical capital and all consumption. The Y rule says the same with the hidden asterisks after growth and consumption. So it will continue for the rest of this discussion. (4.2) shows that less consumption implies more growth, or less output, or some of both. Mill was asking which. To show how to find out, first arrange (4.2) as

$$\text{growth} = \text{output} - \text{consumption}, \tag{4.2a}$$

again because terms can change sides if they change signs.

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Mill and Keynes and tradition hold (4.2) and (4.2a) as logical certitudes which hold constant over time. I agree if we imagine the asterisks. Constancy over time would imply

$$\text{change in growth} = \text{change in output} - \text{change in consumption.} \tag{4.3}$$

I take the trouble to derive this as a road I haven't preferred to follow. I will reason instead in rates rather than flows. Rates, or ratios of flows to capital, effectively cancel capital from numerator and denominator. That frees them to show comparison between smaller and larger economies among the eight I test. Mill's idea, or anyhow mine, is that the *ratio* of consumption to capital in all those countries can hold constant. That is what the charts and tables show.

To follow that lead, divide (4.2a) by capital. This finds

$$\frac{\text{growth}}{\text{capital}} = \frac{\text{output}}{\text{capital}} - \frac{\text{consumption}}{\text{capital}}. \tag{4.4}$$

That can be put more compactly as

$$\text{growth rate} = \text{capital productivity} - \text{consumption rate,} \tag{4.4a}$$

where rate always means ratio to capital. That needs a caveat because consumption rate in macro means ratio to output. Capital productivity in this sense is also called rate of return.

For more compactness still, define

$$\text{thrift rate} = -\text{ consumption rate,}$$

allowing (4.4a) to be restated as

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$$\text{growth rate} = \text{capital productivity} + \text{thrift rate}. \tag{4.4b}$$

Notice that we must change the sign before "consumption rate" to find thrift. Change downward in consumption rate is change upward in thrift rate, and conversely.

Further

$$\begin{aligned}\text{change in growth rate} = {} & \text{change in capital productivity} \\ & - \text{change in consumption rate},\end{aligned} \tag{4.5}$$

by the same logic as with (4.3). Save space again by reexpressing (4.5) as

$$\text{acceleration} = \text{productivity gain} + \text{thrift gain}. \tag{4.5a}$$

Finally divide by acceleration to reach

$$1 = \frac{\text{productivity gain}}{\text{acceleration}} + \frac{\text{thrift gain}}{\text{acceleration}}, \tag{4.6}$$

if acceleration is nonzero. Reexpress as

$$1 = \text{free growth index} + \text{thrift index}, \tag{4.6a}$$

where indexes are undefined if acceleration is zero.

I think this gets at what Mill meant, and anyhow what I mean. We both describe acceleration as well as growth. One night think that his "whatever increases the productive power of labor" is the opposite from my "change in capital productivity." But they are about the same. Better machines make their operators more productive whether skills have changed or not.

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(4.5) shows something about "balance" or the state where capital, consumption and output grow at the same rate. It confirms the standard teaching that balance is possible, although not compelled, when growth rate is constant. It also shows that balance is impossible when growth rate changes. No one disputes that capital productivity (output/capital) always leads, and consumption rate (consumption/capital) always lags, in accelerations up and down. Output gets the bad news first and the good news first. What the equations leave unspecified is where capital itself joins the sequence. That is what the evidence in the charts and tables tells us.

In the case where the free growth index equals one, for example, the above equations show

$$\text{thrift index} = \frac{\text{thrift gain}}{\text{acceleration}} = 0, \quad \text{implying}$$

$$\text{thrift gain} = \frac{-\text{change in consumption rate}}{\text{change in growth rate}} = 0, \quad \text{and}$$

$$\text{change in consumption rate} = 0, \quad \text{or equivalently}$$

$$\text{consumption rate} = \frac{\text{consumption}}{\text{capital}} = \text{constant}, \tag{4.7}$$

if acceleration is non-zero. (The reason for that qualifier is that zero acceleration means zero change in growth rate, and division by zero is a no-no.)

In the opposite case where the thrift index is one, the same equations would show

$$\text{free growth index} = \frac{\text{productivity gain}}{\text{acceleration}} = \frac{\text{change in productivty rate}}{\text{change in growth rate}} = 0,$$

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implying

$$\text{productivity rate} = \frac{\text{output}}{\text{capital}} = \text{constant}, \tag{4.7a}$$

assuming again that acceleration is nonzero.

This shows how to find the position of capital in the sequence led by output, and how to test between free growth and thrift theories. The market-valued capital denominator in (4.7) and (4.7a), and the consumption numerator in (4.7), can be taken directly from national accounts data collected at the Piketty-Zucman website. The output numerator in (4.7a) can be constructed as consumption plus current change in market-valued capital. By (4.7), free growth theory (Mill's idea) predicts a roughly constant consumption/capital ratio, even in accelerations and decelerations and reversals. Then capital acceleration would lag alongside consumption acceleration while output led alone. Thrift theory makes the opposite prediction of a roughly constant output/capital ratio, so that output and capital would lead together while consumption lagged alone. There is no need to measure and test both indexes, as either is defined as one less the other. My charts and tables track the free growth index. They confirm free growth theory in all countries and periods.

Defining Free Growth and Thrift

(4.2) through (4.7a) defined the free growth and thrift indexes, but not free growth or thrift themselves as flows. Since I will use those terms often, I'd better clear that up now. Define

free acceleration = productivity gain = gain in rate of return, and
thrift acceleration = thrift gain = drop in cash flow rate,

so that those sets of terms become interchangeable. Then (4.5a) can be put as

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acceleration = free acceleration + thrift acceleration. (4.5b)

Rates are flows divided by capital expressing them. Then define the two flows as

free growth = capital $*$ free acceleration, and (4.8)

thrift = capital $*$ thrift acceleration, giving (4.9)

growth = free growth + thrift. (4.10)

These equations apply equally in continuous or discrete-period time. In the latter, they leave the periods of acceleration and growth unspecified. Marginal or current free growth, as with the speed of a car, is the sum of free accelerations since some past origin when growth was zero. So it is with current thrift. That need not place the origin with Ancestral Eve. Surprising as it might seem in the growth age, zero points appear to recur every few minutes at the longest. Online stock index numbers reverse direction at least that often. They pass through zero each time. Debt claims on the corporate sector figure to be less volatile, but equity (stock) ones outweigh them. Then marginal free growth means accumulated free acceleration, or rise in rate of return, since the last zero growth point no more than a few minutes ago when return and cash flow were equal. Growth is free whenever cash flow rate rises or holds steady.

The Charts and Tables

Mill lacked data to test whether growth tends to lead with output when it changes, or to lag with consumption, or something else. So did all economists until national accounts began reporting market-valued capital in 1990 or so, and reconstructing it backward over a few decades before. The equations through (4.7) show how to test from data in the Piketty-Zucman and *Global Financial Data* websites.

First I downloaded the Piketty-Zucman data for market-valued capital and consumption for all countries and periods. I chose their "private wealth" data for the

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former. I neglected "government wealth" net of national debt, which is small and often negative, as I don't feel that I understand it well enough. I took consumption as the sum of personal consumption expenditure (PCE) and government consumption expenditure (GCE). I also downloaded real stock market rates of growth, dividends and return from the *Global Financial Data* website for the same years and countries.

Yearly change in capital in each country gave each year's capital growth as a flow. I added this to consumption to give what I call market-valued output. I said earlier that Piketty and Zucman should logically have done the same. This gave the values for (4.1) and (4.1a).

I then divided by year-end capital to give values for (4.3). I next found annual changes in those three to give acceleration, productivity gain and thrift gain as shown in (4.5) and (4.5a), and divided by acceleration to find the two indexes of (4.6) and (4.6a).

The test from *Global Financial Data* took fewer steps. Stock market growth rate, rate of return and dividend rate were downloaded directly. I took them as corresponding respectively to growth rate, capital productivity and consumption rate in (3.3a). I found their annual changes to find values for (3.4a), and again divided by acceleration to reach (3.5a).

This allows tests of Mill's idea from national accounts data for all eight nations reported at the Piketty-Zucman website, and over their entire reporting periods through 2010. (The website also reports for Spain, but only since 1993 and without data for consumption.) In each year, for each country, change in capital growth rate is compared to change in consumption rate (consumption/capital). If consumption rate grows faster than capital growth rate while both grow, or declines faster if both decline, the free growth index in that year is greater than one. If they change at the same rate in the same direction it is one exactly. If both change in the same direction, but consumption changes less, the free growth index is between zero and one. If

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either grows while the other declines, the index is zero or less; zero if one grew as much as the other declined, and less if the change in capital growth rate was larger than the opposite one in consumption rate.

Interpreting the Charts and Tables

Now look again at the charts captioned "free growth index" in the appendix. I will summarize them and all other charts and tables only briefly here, and save most description for there. They cover all eight countries. Each chart covering free growth tracks three separate versions of the free growth index labeled $\varphi(K)$, $\varphi(K_T)$ and $\varphi(SM)$. The one I have discussed so far is $\varphi(K)$. $\varphi(K_T)$ is a version including human capital, and $\varphi(SM)$ is taken from stock markets only. $\varphi(K_T)$ will be explained in the next chapter.

The powerful spikes both up and down in the free growth charts were described in Chapter 2. Spikes tend to be explained by the fact that acceleration, the denominator in both the free growth and the thrift index, is occasionally close to zero. Near-zero denominators, whether above zero or below, can magnify mismeasurements. Some charts report the free growth index every year, and show all the spikes. Others filter out years where denominators fall below a chosen threshold, and spikes disappear accordingly. Filtration is unbiased in that free growth index is corrected down as often as up.

What jumps out from all those charts is that all versions of the free growth index φ fluctuate around one. That means that the unshown thrift index fluctuates around zero. We just saw that the thrift index will show as negative whenever the thrift numerator and acceleration denominator disagree in sign, meaning that thrift gain coincided with deceleration (negative acceleration) or conversely. Charts and tables show that thrift gain, meaning drop in consumption rate, coincides as often with a lower as a higher capital growth rate. Growth by thrift is a theoretical possibility

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which doesn't actually happen. The means of growth Mill describes in the paragraph quoted is the only kind that appears in the record.

Evidence from Stock Markets

Market-valued capital, reported in national accounts since 1990 or so and assembled at the convenient Piketty-Zucman website, is measured by a common standard in principle. Measurement begins with stock markets. It should. The stock market is the most exact source of economic information that I know. With due reservations about connivance and "stale prices," meaning outdated prices from earlier days because the stock has not traded since, or anyhow not enough for confidence, we know pretty well what markets think stocks are worth from tick to tick.

We would know better if markets were perfectly efficient. Proof that they aren't shows in medium-term autocorrelation or trend. Autocorrelation (in price) is tendency for markets to be up tomorrow if up today, and down if down. Trend is a shorter word for the same. Perfect efficiency ought to show a "random walk" where prices change captures all current news, news captures reality without optimistic or pessimistic bias, and tomorrow's price direction is as unpredictable as tomorrow's news. The only exception should be long-term uptrend with productivity gain through innovation. In this case it is not surprise in the news that brings growth, but gradual gain in present value as a foreseen better future is less discounted as it draws nearer.

There is chicanery as well as inefficiency. Insiders, braving the legal risks, may take advantage of outsiders. But it is not clear to me that insiders are likelier to be sellers than buyers. National accounts follow prices of publicly traded shares collectively, where some chicaneries should offset others.

Allowing for all this, I think national accounts are wise to accept stock prices as the best measure of underlying assets. Intangibles such as patents or market advantages

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are factored into share prices because they are realities that would be valued as such by bidders for the assets themselves. It is a mistake, I think, to suppose that shares prices would be less volatile if more descriptive of real value underneath. The existence of trends suggests the opposite. Trends would be expected from systematic underreaction to the news, so that reaction catches up later, while systematic overreaction ought to be followed by adjustment in the opposite direction. This gradual rather than immediate digestion of the news would tend to smooth out price response. Trends imply systematic underreaction, not overreaction. Market evidence shows something near that random walk as a usual rule, implying neither systematic overreaction nor systematic underreaction, but with some episodes of the latter. What would the reason be? My first guess would be something delaying the mechanics of price reaction when news is particularly surprising. Our sense of where prices should go right now seems not to get them there until later. Prefect reaction to perfect news ought to mean *more* price volatility, not less, from day to day.

Stocks are more volatile then most assets because most are "leveraged." Firms may issue bonds, and may borrow shorter-term from banks. Fixed interest on those debt claims is paid first. Shareholders get the rest of net output, which itself fluctuates around expected norms and is sometimes negative. If a firm's net profit (net output) is one million dollars one year, and one dollar higher the next, net profit will have varied only one ten thousandth of a percent. But if interest payments take up the same million dollars per year, every year, profit left for shareholders will have grown from nothing to one dollar. Its growth rate will have been effectively infinite. If the firm earns two dollars less the year after, it will have to invade capital to pay the interest, and owners take a one-dollar loss. Again the difference is trivial percentage-wise to net profit, but diametric to equity investors. The more fixed debt, the more surprise and volatility in whatever is left for shareholders. The ratio of debt to that remainder, called "equity," is the leverage meant. Stock in this security sense means the same as shares or equity.

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Now I'll try to pull this together. Stock prices collectively, meaning all shares at current prices, is called "market cap." (Cap is capitalization.) Market cap does not measure the whole underlying value of the issuers, meaning firms that issued the stock, since there are debt claims that must be paid off first. It measures the equity residue. It measures that imperfectly because some inefficiency and chicanery are here to stay. It is more volatile than the debt claims because it is leveraged, but probably less volatile, given the observed reality of trends showing smoothed-out reaction of share prices to news over time, than what would be bid for the underlying assets, including intangibles, subject to the same debt claims that must be paid off first.

National accounts measure market-valued (physical) capital by beginning with market cap. They then add the market value of debt claims on the same issuers, along with equity and debt claims on the rest of the business sector, and then the same for the housing sector. The sum is "private wealth." Consumer durables such as cars and refrigerators are excluded as impractical to price. Government wealth net of national wealth is tracked separately, and tends to show as slight or negative.

Finding the Free Growth Index for Stock Markets

My concern in this chapter is the stock market as a data source for testing free growth theory. Here (4.2) would read total return in place of (net) output, while growth would be in market cap. Consumption in (4.2) would become dividend yield in the sense net of capital concurrently raised in new stock issues. The *Global Financial Data* website summarizes the history of world stock markets from inception in about 1700 for U.K., about 1800 in U.S., and later elsewhere. A nice feature of this data source, and most other sources for stock and security performance, is that market values are shown from the start. This left no need to correct for the inevitable lags in depreciation accounting, which gets the news only in purchases or sales.

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Global Financial Data reports annual rate of return, growth rate in market cap, and "imputed dividend rate" as the difference. Dividend rate itself is reported as something a little different. I made no attempt to get to the bottom of this distinction, just as I made none to allow for editorial bias in the Piketty-Zucman website. I chose the imputed version for logical consistency.

This direct information obviates the chain of reasoning from (4.2) to (4.5), and allows me to jump to the latter. "Productivity gain" in (4.5) is simply annual change in reported rate of return. Acceleration is annual change in reported market cap growth rate. (4.6a) defines the free growth index as their ratio. φ(SM), the green line, tracks it in the charts. It too fluctuates around the number one. Gains in dividend rate have coincided as often with gains in market cap growth rate as with drops.

This seems only to expound what everyone knows. Of course firms are likelier to raise dividends in years of growth, and cut them in years of decline. I never claimed that free growth theory does more than state the obvious. What is made obvious by the data is that a change in total return is the prime mover enabling market cap and dividend rate to accelerate or decelerate as a pair. What is made obviously wrong would be a thrift theory casting dividend restraint as the prime mover. Were that so, market cap acceleration would coincide with lower rather than higher dividend rates.

This pretty much completes my evidence for free growth theory. I have not found other promising data sources. One is tantalizingly close to hand. There is not much reason why corporate bond history is less transparent to the world than corporate stock history. A qualified expert might reconstruct market caps of both, side by side, to show a picture of the whole corporate sector. Surely I am not the only person who would take interest. What is the history of leverage, and of total return, and its growth and yield components, to debt and equity claims cap-weighted together?

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It would be nice to test from such a dataset, again starting from (4.6), to see if free growth theory holds again. Who knows? Meanwhile, I think, the case is closed. All growth at very large scales is free until proved otherwise.

Where Does Opinion Stand Now?

What should we make of this evidence for free growth in national accounts and stock market data? Lawmakers would probably demand a recount or an investigation. Tax laws discourage consumption and dividends to encourage growth. Yet data show that lower consumption rate coincides as often with lower as higher capital growth rate for eight nations over four to fourteen decades. They will show the same for dividends when we come to that.

Economists would be less surprised. Solow has prepared them for the news. In 1956 and 1957 he showed evidence that most growth is not explained by capital accumulation, or saving through consumption restraint. His Nobel prize acceptance speech in 1988 includes:

> … In the beginning, I was quite surprised at the relatively minor part the model ascribed to capital formation. Even when this was confirmed by Denison and others, the result seemed contrary to common sense. The fact that the steady-state rate of growth is independent of the investment quota was easy to understand; it only required thinking through the theory. It was harder to feel comfortable with the conclusion that even in the shorter run increased investment would do very little for transitory growth. The transition to a higher equilibrium growth path seemed to offer very little leverage for policy aimed at promoting investment.
>
> The formal model omitted one mechanism whose absence would clearly bias the predictions against investment. That is what I called "embodiment," the fact that much technological progress, maybe most of it, could find its way into actual production only with the use of new and different capital equipment. Therefore the effectiveness of innovation in increasing output would be paced by the rate of gross

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> investment. A policy to increase investment would thus lead not only to higher capital intensity, which might not matter much, but also a faster transfer of new technology into actual production, which would. Steady-state growth would not be affected, but intermediate-run transitions would, and those should be observable.
>
> That idea seemed to correspond to common sense, and it still does. By 1958 I was able to produce a model that allowed for the embodiment effect. ... If common sense was right, the embodiment model should have fit the facts better than the earlier one. But it did not. Dension (1985) , whose judgment I respect, came to the conclusion that there was no explanatory value in the embodiment idea. I do not know if that find should be described as a paradox, but it was at least a puzzle.

Edward Denison was another leading growth economist Solow consulted. Remember that Solow had defined disembodied growth to mean better use of existing assets, as when ships carrying coal to Newcastle are inspired to reverse the business plan. It is easy to see how disembodied growth could come more or less for free. But Solow puzzled how embodied growth, which needs "new and different capital equipment," could arrive without " a policy to increase investment."

It can for the same reason that Achilles can overtake the tortoise. Solow's problem, I think, may have been that new and different capital equipment stands to embodied novelty as a new and different chicken laying a new and different egg. We can see how the different capital might come first through saving from consumption deferment. And it seems clear that the embodied novelty could not. But one of the beauties of calculus is that it allows chicken and egg to evolve simultaneously. Neither novelty precedes the other at the instant of first embodiment.

This time it is Newton and Leibnitz to the rescue, along with the trusty Gunnar Myrdal, if I guess right about Solow's misgivings. Since he understands calculus and Myrdal far better than I do, I may guess wrong. So let me try another way. It seems to me that embodied growth is still disembodied growth at a finer and more basic

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scale. Instead of redeploying finished goods, we recombine raw materials. We aren't creating something from nothing. And growth is not so free that it needs no cost at all. It still needs depreciation plowback. Net investment would mean any in addition. The charts and tables, as I read them, show a steady stroke of deprecation plowback paying for all innovation, embodied or disembodied, that copes as best it can with good times or bad.

The steady stroke metaphor, showing how cost (the steady stroke) and growth (against the shoreline) could be desynchronized, explains the possibility of free growth. It does not explain why the record shows no other kind. My best guess as an explanation would look to biology. The biological imperative shapes our tastes and behaviors for lineage survival in some sense of family or population or species. Other species crowd their niches. They cannot gain by consumption restraint for the two excellent reasons that there is no consumption to spare and no niche space if there were.

Ricardo, Malthus and West all warned against rote replication in economies already developed. We must create means to make more from less. I suspect that we are up against that wall more or less continually. Innovation pushes the wall back when genius and happenstance are at their best, and helps us survive the rest of the time. It costs the same either way. Consumption sacrifice is sacrifice to gods who work their will heedless of it.

My implication that we have no consumption to spare could mislead. Rather we have none safe to spend. All creatures hold back reserves against adversity. Economies usually carry more capital, producing more consumption, than they need for now. It is a rainy day fund to be drawn down in lean times and built back in plush ones. Many nations invaded capital to keep up consumption during the world wars and world depression between, and reversed course since. But we would be fools to spend it for return over time when the next crisis might come tomorrow.

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What exactly do I picture as this capital reserve? Is it vodka distilleries that might be converted to orange juice plants in a pinch? I don't really know. Human capital itself is versatile. Some retirees could unretire, and vodka plant workers might convert with not much retraining. I will explore some of this idea later.

Harrod's Knife Edge

Solow's neoclassical growth model developed from ideas published a decade earlier by Roy Harrod. Harrod had described a "warranted growth path" given by the pace of technological innovation. He reasoned correctly that any effort to push investment faster must soon founder in the diminishing returns foreseen by Malthus, Ricardo and West in 1815. But how could we get investment exactly right? There was a critical "knife edge" with little margin for error. He was right to stress the dangers of overinvestment. I do the same. But free growth theory, and the overwhelming evidence that it is right, bring a new perspective.

What Solow and other economists teach today , judging from the textbooks I read, is more or less Harrod without the knife edge. We are taught to figure out the warranted growth path, meaning the rate of technological growth, and then invest just enough, *ex ante*, to exceed depreciation by that margin. But my charts and tables show that any investment beyond depreciation recovery is deadweight loss. There is no need to know the warranted growth path because optimum investment is not a function of whatever it might be. Depreciation investment captures the whole of technological growth, and further investment adds no more. It is money left on the table. Optimum *ex ante* investment, at the collective scale, is depreciation investment. *Ex post* results will reveal the warranted growth path.

What about Underinvestment?

One indication in the charts and tables might leave us puzzled. It is easy to understand the futility of *ex ante* investment (consumption restraint) beyond

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depreciation plowback in light of the diminishing returns described by Ricardo, Malthus and West two centuries ago. We might crowd our niche, like other creatures, and leave neither consumption safe to spare nor room for capital accumulation before diminishing returns set in. But too little investment could seem a tougher challenge. No thrift at all, meaning not even depreciation plowback, would mean no growth at all. Then consumption rate would vary inversely as capital acceleration, just as predicted in in thrift theory. And underinvestment, meaning plowback of less than current cost depreciation, ought to happen about as often as overinvestment. If each year of underinvestment tended to fit the predictions of thrift theory even a little, free growth indexes should average something less than one in the end. But they don't. The index varies, but averages more than one as often as less in every country and period.

The explanation I suggest is already implied in that insight of two centuries ago. Just as overinvestment and capital glut diminish returns, underinvestment and capital shortage augment them until supply of capital catches up to demand. Even if there were no plowback at all in some years, higher returns to capital already in place would help take up the slack. There would be real danger in sustained underinvestment or overinvestment. The saving grace is in market forces restoring equilibrium as investors maximize return.

Summary

This gives the outline of free growth theory. It is my best speculation on how to make sense of the charts and tables. It follows Mill more or less exactly, and risks the next step in the bold new direction pointed by Solow.

My prize exhibits are the charts and tables. Better this book should show them alone, with an explanation of my testing equations and the data sources, than all the rest without them. They could hardly support free growth theory better than if Mill and I had rigged them. The consequences are huge. We must get rid of the corporate double tax ASAP, and raise the corporate tax rate enough to make the overall

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adjustment revenue-neutral. That should help get both parties on board. We must tax capital gains at the same rate as ordinary income. Dividend rates should revert to the 4% - 6% range typical over the centuries before the pro-investment policies put in place after World War II. We must do whatever we can to level the consumption-investment playing field.

Obvious qualifiers are worth spelling out. (4.1) and all consequences are meant to describe at the collective scale, where growth cannot be explained by transfer. Free growth theory assumes depreciation investment, not zero investment. My charts and tables will never be exact. There are inevitably errors and judgment biases in the national accounts and research assembled by Piketty and Zucman, more added by them, and more by me. These cautions will apply to later chapters as well.

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CHAPTER 5: BRINGING HUMAN CAPITAL IN

Human capital is labor measured as a dollar sum rather than as so much per hour or year. It treats pay less invested consumption as our cash flow, and finds our present value (to ourselves) as expected lifetime cash flow discounted by our own time preference rates, meaning what we would charge for delay. Measurement in this way usually finds it as something near three fourths of all capital. Physical capital, much better understood because it can be bought and sold as well as hired, is only the visible tip of the iceberg. The term human capital itself is touchy because it can suggest that life has a price. Irving Fisher used it in quotation marks in 1898[1], attributing it to earlier sources I haven't found, but not in his two great books on the topic in 1906[2] and 1907[3]. Wikipedia is mistaken in attributing the term to Arthur Pigou a generation later.

History of the Idea

The concept began with Petty in 1664[4]. He estimated the aggregate pay of English workers, and divided by the discount rate he had modeled in *A Treatise of Taxes* two years earlier. I have not read *Verbum Sapienti*, but have read two of his later versions of the same argument[5].

Petty's method was criticized by William Farr in 1854[6], also in a paper I haven't read, for neglecting what I call invested consumption. Farr, if I read the right description of his argument, was both right and wrong. Petty was modeling human capital of aggregate workers. These were mostly adults, who no longer receive invested consumption if my model is right. That makes his method sound in principle for measuring adult human capital separately. It follows that he underestimated the human capital of England, rather than overestimating it as Farr claimed, by leaving

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[1] *The Nature of Capital*.
[2] *The Nature of Capital and Income*.
[3] *The Rate of Interest*.
[4] *Verbum Sapienti.*
[5] *Political Arithmetic* (1676) and *A Gross Estimate of the Wealth of England* (1685).
[6] *Vital Statistics*.

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out the human capital of children. But Farr deserves credit for pointing out that human capital in general capitalizes pay less invested consumption.

Keynes' teacher Alfred Marshall agreed with Farr in 1990[7]. As I read this passage, Marshall interpreted maintenance consumption as investment. So did B. F. Kiker[8] in 1968. I interpret it as exhaust in taste satisfaction enabling energy to earn pay concurrently, while preserving but not increasing pay expectations in future. Invested consumption would mean addition to human capital concurrently for expected realization with interest in higher pay later.

Meanwhile economists had developed the complementary idea of human capital as present cost of investment accumulated before. Adam Smith[9] in 1776 wrote

> …The acquisition of such talents, by the maintenance of the acquirer during his education, study, or apprenticeship, always costs a real expense, which is a capital fixed and realized, as it were, in his person.

The conversion of some consumption into human capital was a favorite theme of Frank Knight a generation before Schultz. Only the rest is what Schultz called pure consumption eliminated from the economy in satisfying tastes. Becker added in 1964 that this investment must be expected to be recovered with interest, at least when paid by employers in job training. Schultz had also pointed out that human capital depreciates, and invests some work in itself in the effort of learning to complement the exterior investment of nurture and schooling. Ben-Porath, expressing a Schultz-led consensus, added in 1967 that human capital growth is invested consumption (the nurture and schooling) plus self-invested work less human depreciation. All these ideas are now accepted everywhere in human capital studies.

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[7] *Principles of Economics*.
[8] *A History of Human Capital*. I learned of Farr from Kiker.
[9] *The Wealth of Nations.*

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Jacob Mincer seems to have been first in print with the post-war revival of interest in human capital, in his 1958 paper[10] rederiving Irving Fisher's present value equation and stressing job training. Schultz impresses me as the main idea man among these post-war contributors. He usually avoided math, unlike the others, and is probably the best source for quotes in plain English. His paper *Investment in Human Capital,* published in 1961, includes:

… Much of what we call consumption constitutes investment in human capital. Direct expenditures on education, health and internal migration to take advantage of better job opportunities are clear examples. Earnings foregone by mature students attending school and by workers acquiring on-the-job training are equally clear examples.

… This use of leisure time to improve skills and knowledge is widespread… I shall contend that such investment in human capital accounts for most of the impressive rise in the real earnings per worker…

… Measured by what labor contributes to output, the productive capacity of human beings is now vastly larger than all other forms of wealth taken together…

… the curve relating income to age trends to be steeper for skilled than for unskilled persons. Investment in on-the-job training seems a likely explanation…

… We can think of three classes of expenditures: expenditures that satisfy human preferences and in no way enhance the capabilities under discussion – these represent pure consumption; expenditures that enhance capabilities and do not satisfy any preference underlying consumption – these represent pure investment; and expenditures that … are … partly consumption and partly investment, …

In 1962[11] he added:

… the investment in human capital can conveniently be classified in (1) nurture and higher education, (2) postschool training and learning, (3) preschool learning activities, (4) migration, (5) health, (6) information, and (7) investment in children (population) …

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[10] *Investment in Human Capital and Personal Income Distribution*

[11] *Human Capital: Policy Issues and Research Opportunities*

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… But unlike the wonderful "one-hoss shay," the productive life of educational capital typically does not go to pieces all at once. It depreciates along the way, it becomes obsolete, it is altered by changes in retirement and by the state of employment …

… As already noted, educational capital, like reproducible physical capital, is subject to depreciation and obsolescence. The established tax treatment takes account of both depreciation and obsolescence in the case of physical capital, but this accounting is not extended to education capital… In brief, our tax laws… appear to be all but blind to the fact that educational capital entrails maintenance and depreciation, becomes obsolete, and disappears at death…

These excerpts clearly show Shultz' meanings of pure and invested consumption, and of human deprecation. He says "pure investment" in place of my "invested consumption", but I prefer to follow tradition by applying "invested" to physical capital alone. We also see his belief, with which I disagree, that substantial invested consumption continues after independence and physical maturity. For example, he writes "Direct expenditures on … health and internal migration … are clear examples." I interpret these outlays, when applied to adult workers, as maintenance consumption preserving rather than adding skills, and enabling current pay rather than invested for higher pay later.

I agree that self-invested work "to improve skills and knowledge … accounts for most of the impressive rise in the real earnings per worker …". But I don't share Schultz' view that the "use of leisure time" accounts for much of this improvement. My years in plants and oilfields and offices have given me an impression of some study by workers during leisure time, but mostly passive accumulation of experience and insight while fully at work on the job.

Practical Uses

One obvious use of the human capital idea is to compare the factors (human and tradeable capital) in the same dimension. Capital and labor cannot be added, as Petty knew, since capital is measured in dollars where labor is measured in dollars

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per unit time. But Petty showed that the idea of human capital as discounted cash flow measured in a money sum allows the factors to be summed together. The revival of interest at the Chicago school soon introduced the term physical capital for land and man-made things that can be bought and sold, and total capital for the sum. Physical capital is a misnomer in that we are physical too. But I have used it throughout so that economists can follow me and general readers can pick up some of their language.

From the Y = C + I Equation to the Y Rule

Chapter 2 summarized my argument adjusting the Y = C + I equation to the Y rule. Chapter 4 spelled out the former in (4.1). The Y rule made the hidden asterisks of the Y = C + I equation explicit. I said in both chapters that the free growth equations are the same for both when we allow for the asterisks.

Let's go through the derivation of the Y rule again. (4.1) shows

output = investment + consumption.

I generally mean the version of this where "*ex post* net" is understood before both "output" and "investment". I said that this idea is implicit in the Mill quote, and is probably as old as economics. Net output, here or anywhere, means creation of value. Then the equation would be guaranteed by the truism, at the collective scale, if net investment meant growth of all value existing, meaning total capital, while consumption meant elimination from total capital collectively and nothing else. But net *ex post* investment as meant throughout this book, and anywhere in macro, means growth in physical capital alone. Consumption includes Schultz' invested consumption transferred into human capital as well as his pure consumption eliminated from total capital as a whole. What the truism guarantees is rather

output = total growth + pure consumption, (5.1)

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at the collective scale and where "*ex post* net" is again understood before "output." (5.1), but not (4.1), guarantees that terms are mutually exclusive and exhaustive.

Total growth means this *ex post* net investment (growth of physical capital) plus growth of human capital. The latter would have puzzled us before the contribution of Ben-Porath. Equation (4) in his 1967 paper, summarizing the first three, shows

$$\text{human growth} = \text{invested consumption} + \text{self-invested work} - \text{human depreciation}, \tag{5.2}$$

using my terms rather than his.

Chapter 6 will argue that this equation needs to be clarified. I gave a preview in Chapter 2, and will update it now. Work is the output of human capital. Output is not always positive. It is negative whenever growth and cash flow sum to less than zero. A negative sum of these two shows unrecovered decapitalition (also called deadweight loss). That would include unrecovered human depreciation. If (5.2) meant all including negative self-invested work less all including unrecovered human depreciation, it would subtract unrecovered human depreciation twice. Then it must be corrected either to

$$\text{human growth} = \text{invested consumption} + \text{positive self-invested work} - \text{human depreciation}, \tag{5.3}$$

or equivalently

$$\text{human growth} = \text{invested consumption} + \text{self-invested work} - \text{recovered human depreciation}. \tag{5.3a}$$

It is clear that Ben-Porath meant (5.3), as other evidence shows that he treated human depreciation as unrecovered. So does all tradition, mistakenly I believe, with

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the partial exception of Becker. I will generally prefer (5.3a), although the two are identical in meaning.

Schultz' analysis of consumption found

consumption = invested consumption + pure consumption. (5.4)

This plus (5.1) and (5.3a) combine for

output = total growth + pure consumption
= investment + human growth + pure consumption
= investment + invested consumption + self-invested work
– recovered human depreciation + pure consumption
= investment + invested consumption + self-invested work
– recovered human depreciation + consumption
– invested consumption
= investment + consumption + self-invested work
– recovered human depreciation. (5.5)

"*Ex post* net", as always, should be understood before both "output" and "investment".

Chapter 6 will revisit this logic once again, and add a second way to the same conclusion.

<u>The Growth Equation Under the Y Rule</u>

(5.1) can be arranged as

total growth = output – pure consumption, (5.1a)

as a counterpart to (4.1a). Total growth means growth in total capital. My argument continues as in Chapter 4. Since (4.2) was a blind alley, skip to (4.3). That now becomes

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$$\frac{\text{total growth}}{\text{total capital}} = \frac{\text{output}}{\text{total capital}} - \frac{\text{pure consumption}}{\text{total capital}}, \tag{5.6}$$

which can be written as

$$\text{total growth rate} = \text{total capital productivity} - \text{pure consumption rate}, \tag{5.6a}$$

as with (4.3a). Since (5.6a) is always true, and not only under occasional circumstances, we also get

$$\text{change in total growth rate} = \text{change in total capital productivity} - \text{change in pure consumption rate}. \tag{5.7}$$

This parallels the logic of (4.4). Again save space by reexpressing this as

$$\text{total acceleration} = \text{total productivity} + \text{total thrift}, \tag{5.7a}$$

where "total" means "of total capital". Now divide by total acceleration to reach the counterparts of (4.5) and (4.5a).

I will sometimes save space, from now on, by expressing these arguments in the equations of Chapter 4, as for example in leaving the words "total" and "pure" implicit if the context shows that I mean them.

The Slave Paradox

Say that Phil enslaves Bill. Bill's maintenance consumption had been taste-satisfying pure consumption to Bill when Bill was free, and so was not deducted from his pay to find his gross realized output as valued by himself. But Bill's maintenance consumption satisfies no tastes of Phil. Cash flow is gross realized output less plowback from revenue less new investment from outside, for either factor, while

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net output is gross realized output less depreciation plus proprietary output. Both drop by the amount of Bill's maintenance consumption on Phil's books as a slaveowner. So then does Bill's present value of that cash flow.

This *noir* thought experiment is worth thinking through. It shows that even if slavery were legal and common, its market evidence would neither show the value of human capital nor refute the fact that human capital is inalienable. It is inalienable for the reason, if none other, that our maintenance consumption satisfies no one else's tastes. Phil did not acquire Bill's human capital. He converted it to livestock worth much less.

Another useful point is that assets in general tend to be worth more to their owners. This does not contradict the convergence axioms. We buy or build to taste. That difference is particularly important as to assets not meant to be traded, such as productive plant. I suspect that this is what the national accounts missed in adjusting depreciation.

Maintenance Learning

Ben-Porath argued, persuasively I believe, that both kinds of investment in human capital must end when not enough time remains for recovery with interest. Those two are invested consumption, including schooling, and self-invested work. I propose that invested consumption substantially ends at maturity and independence. Self-invested work of learning continues long after, as there remains no other adequate explanation of age-wage profiles. When does it stop?

Learning itself continues to the end. Yet if Ben-Porath is right, and he is, self-invested learning stops well before. What continues, I think, is what I call "maintenance learning". It is defined as learning to keep up pay now rather than to enhance pay later. At all ages, we must learn the names and traits of new clients and co-workers and suppliers and regulations continually to do what we are paid for.

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This observation helps clarify my hypothesis that job learning costs no time that might otherwise have been spent earning pay. My deeper meaning is that invested learning and maintenance learning are the same process costing the same time but with different economic effect, much as with invested and maintenance consumption.

Evidence that hourly if not yearly pay rises until retirement, or very near, would refute Ben-Porath's claim if human capital ended at retirement. But it continues through retirement because imputed pay does.

Mill and a few economists before him acknowledged "productive" and "unproductive" consumption. The productive kind was what I call maintenance and invested consumption. Unproductive consumption meant any written invested for higher pay later nor supporting survival pay now. That would give

$$\text{pure consumption} = \text{maintenance consumption} + \text{unproductive consumption} \quad (5.8)$$

and

$$\begin{aligned}\text{consumption} &= \text{invested consumption} + \text{pure consumption}\\ &= \text{invested consumption} + \text{maintenance consumption}\\ &\quad + \text{unproductive consumption.} \qquad (5.9)\end{aligned}$$

Investment and maintenance contrast in human capital as in a firm. Investment is valued only in the expectation of future maintenance. No maintenance later, no value now. To count maintenance as new investment would count part of the old investment twice. Where the accounting treatments differ is in disposition. Maintenance in the firm is recovered in pay and products. I thought before that the same was true of human capital. Thanks to the parable of the boss and her secretary, I now I think it is exhausted in satisfying our taste for lineage survival.

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Restating the Three Fourths Rule

Petty, neglecting human capital of children, measured total capital as about 2.5 times physical capital in 1664. Most estimates since have run higher. I myself model 4:1 or so as a first approximation. The ratio of human to physical capital might hold to some such lasting norm for the same reason that number of shepherds should hold in proportion to number of sheep. They own as many as they can manage. Human capital means value of skills, including skills in acquiring and employing physical capital. If the value of physical capital changes, so should the value of its management. There is truth behind the old doctrine that a rise in the productivity of labor explains growth in value of physical capital. But old skills can also be more in demand when improvements in physical capital productivity can get more good out of them. Drivers are worth more when there is more valuable freight to be trucked. A rise in either kind of capital tends to invite a rise in the other.

The ratio of pure to invested consumption is unsettled in human capital studies. I just showed why I think Schultz gave the right clue in 1961 when he defined invested consumption as an outlay to be recovered with interest in consumption over the future, and pure consumption as an outlay bringing taste satisfaction now. It is the same distinction as with investment and operating expense in the firm. A professional's meals and doctor bills, and even his subscription to trade journals, are expenses needed to keep his earning power intact rather than investment to raise it over the future. It seems to me that once we are physically mature, the only avenues of investment in skill building, not exhuast in skill maintenance, are self-invested work and job training or other adult education.

And I argued that there is probably not much adult education. Only a few go back to school. From what I've seen, job training is concentrated in our first few months when schooling is over and full-time work begins. That's why I think that the rise of pay with age, implying a rise in skills marketed, is explained more or less entirely by self-invested work in the mainly subliminal accumulation of job experience. (Work

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means the output of human capital, and nothing in the definition of output implies effort or even awareness.)

I agree with Ben-Porath that all consumption and all work should be modeled as self-invested until independence and full-time job entry, given that models must simplify. But I just showed why I model all consumption after, or anyhow after a few months of job training, as Schultz' pure kind. Here I would fault Mincer and his pupil Becker, but not Schultz or Ben-Porath, for too much focus on the potential of job training. It exists and is crucial. But it is so small a fraction of invested consumption, judging from my experience, that I prefer to neglect it in modeling. Job learning, conversely, seems to explain all rise in pay with age.

Biology might predict the same. Nature's plan is that we first develop and then reproduce. Some creatures follow sharply-defined somatic and reproductive phases showing first only development and then only reproduction. A mature butterfly does not eat. It may even lose mouth parts. Its time is spent in reproduction alone. Other creatures including us like eating too, but nature gives them that taste for the sake of the one behind. Adult consumption, as I see it, is more or less all pure consumption exhausted from total capital in satisfying our taste for life and energy. Consumption by the young is invested because that is the big idea. Nature's plan is reproduction to maturity.

Now suppose for simplicity that consumption is age-independent. Nobelists Milton Friedman and Franco Modigliani, mentioned earlier for their opposite reactions to my banking idea, separately argued something like that in the 1950s for adults. My extension backward to birth seems defensible when we remember to include unpaid parental care and then schooling in invested consumption. I model human capital as continuing after retirement as present value of implicit pay by ourselves and others for caring for ourselves and those others. Then if adulthood runs from ages 20 to 80, those simplifying assumptions would give pure consumption as three fourths of all consumption.

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I also modeled human capital as three fourths of total capital. My tag for the two ideas together was the "three fourths rule." The agreement of the two ratios as modeled is a convenient coincidence. If they differed, this book would have to be a few sentences longer. Each is first-order approximation only.

The Free Growth Index for Total Capital

Given the three fourths rule, the free growth index for total capital is derived by reading "pure" and "total" before the words consumption and capital in the equations of Chapter 4.

Now back to the charts and tables. The free growth index for total capital is tracked in the red line and labeled $\varphi(\mathrm{Kt})$. It too fluctuates around one in each country, but in a much narrower range than does the blue line $\varphi(\mathrm{K})$. The reason is the three fourths rule. The thrift index, not shown in the charts and tables, is one minus the free growth index. It is derived in Chapter 4 as thrift rate over acceleration, where thrift rate is change in consumption/capital ratio times minus one. By the three fourths rule, where pure consumption is three fourths of all consumption while total capital is four times physical capital, the pure consumption/total capital ratio is only 3/16 (3/4 divided by 4) the size of the consumption/physical capital ratio. The yearly changes in these ratios reflected in the numerator of the thrift index will hold to the same proportion. The denominator is acceleration, which is always the same for physical as total capital by the assumption that they hold in 1:4 proportion throughout. This explains why the unshown thrift index, or numerator over denominator, is automatically 3/16 as large for total as for physical capital, and why the shown free growth index runs nearer one in consequence.

I have just given an idea why it can be worthwhile to brush up the algebra we all learned in high school or before, and to suffer the nuisance of mathematical notation. I have made a very simple truth, obvious in hindsight, seem complicated by making

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do with words alone. One less something nearer zero, whether that something (the thrift index) is positive or negative, is nearer one. The wonderful books of Einstein (with Enfeld) and Steven Hawking, not to mention Mill, show that even calculus can be put that way. My task has been to follow their tough act. But I will now start to infiltrate notation where I think that that form of shorthand should help more then it hurts.

Summary

The data for the free growth index of total capital $\varphi(\mathrm{Kt})$ in the charts and tables do not represent a separate test. It is the same test adjusted to the three fourths rule. That was proposed as a convenient rule of thumb. I would have shown a true separate test if I knew how. Pure consumption might become separately measurable some day, but human capital will not. The Phil and Bill parable shows that not even evidence from slave markets would be on point. Human capital has no possible value to any but its original owner.

Whether in words or notation, I hope to make the point that Chapter 4 and the charts and tables showing $\varphi(\mathrm{K})$ are likely to understate the case for Mill. Those showing $\varphi(\mathrm{K}_{\mathrm{T}})$ should be nearer the truth. Physical capital and pure consumption are less than the whole. My three fourths rule will never be exact because reality cares little for the convenience of modelers. Proportions between the kinds of consumption will not hold exactly constant and will never exactly agree. But I don't think the three fourths rule is so wrong that the real value of $\varphi(\mathrm{K}_{\mathrm{T}})$ doesn't run nearer one than the real value of $\varphi(\mathrm{K})$. (The infiltration begins.)

Then the data support free growth theory convincingly enough if we trust equation (4.1), as do all macroeconomists as far as I know, and probably more convincingly when human capital is considered too.

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The cautions at the end of Chapter 4 apply even more. My charts and tables for $\varphi(K_T)$ repeat the accumulated error and bias of those for $\varphi(K)$, and add the crude simplification of the three fourths rule. (5.4) expresses my understanding of what Ben-Porath means in equation (4) in his 1967 paper, where variables are defined in his three equations before. If (5.4) doesn't capture his idea faithfully, it anyhow captures mine. Likewise my (5.5) may or may not do justice to Schultz. Some but not all possible interpretations of what he might have meant give (5.5). Again, it is my belief whether or not his.

What Farr, Marshall and Kiker have shown, by deducting both invested and maintenance consumption from pay to get adult cash flow discounted to present value, is human livestock value to a slaveowner. It is very little. The parable of Phil and Bill argued that Bill's maintenance is expensed on Phil's books, but treated as net output and positive cash flow on Bill's. I said I can't prove that from axioms and definitions so far, and will need the biological imperative.

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CHAPTER 6: PARALLELS WITH THE FIRM

My Own History with These Ideas

For sheer shock value, at least to economists, the pay rule and the Y rule must count first amount the surprises I promised. Who would have thought that human depreciation is expected to be recovered in revenue (pay) and product value just as with plant depreciation? Heresy! Yet nothing is more easily proved. Either the maximand rule or the deadweight loss rule is enough.

Free growth theory and next generation theory give more scope and policy implications. But the pay and Y rules have plenty of those, and may be new to the world. Mill and Petty beat me to the others.

I have been arguing the pay and Y rules from the time I reversed course from Quesnay's idea some five years ago. I will rederive both in new ways at the end of this chapter. My change of mind was a classical epiphany. I had been resisting the obvious for years. I showed how my parable of the boss and her secretary got me on track.

My depreciation theory is a lesser shock. It occurred to me over the Christmas holidays this year. It contradicts the national accounts, whose Capital Consumption Adjustment corrects book depreciation from linear to exponentially falling. That would make depreciation fastest at the start, and progressively less. No one has objected because practical experience seems to say the same. If we resell a new car or house after only a few months of use, we take a big hit. If we resell a new factory, which would have been tailored to our unique business plan, we take a bigger one. My counter-argument is that premature resale reflects adverse selection. The usual motive for premature trade is bad news and pressure to sell, not pressure from others to buy.

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I point instead to the millions who don't sell. I argue that depreciation and amortization are the same in essence. Loan payments are all interest at the start, and all amortization at the end, by inference from the present value rule.
My risk theory is a mini-surprise. It shifts focus from the risk of the asset to the risk aversion of the owner. Another mini-surprise is the feature of my growth truism pointing out that deadweight loss means negative unrealized output.

I will revisit these topics in more depth after I cover the necessary groundwork in comparing the accountancy for human capital and the firm.

Assets, Owners and Revenue

Assets means examples of capital of either factor. Their owners are all members of the reproducing population assumed in the axioms. Each, from newborns up, owns human capital at least. Value and growth and cash flow and output are properties of capital. Tastes, aims and ends are properties of owners. Human capital reads its owner's aims, and manages both factors to realize them. Positive cash flow is outflow from assets to owners, to exhaust or reinvest or give away as they like. In the last two cases, the owner is mediating transfer out. She also mediates transfer in from reinvestment or gift received.

Think of capital as source and present value of foreseen cash flows. Owners are the foreseers, the recipients of positive cash flows, the exhausters of some in taste satisfaction, the deciders of the time preference rates giving present value, and the mediators of transfer out and transfer in (negative cash flow). In the case of the diamond ring, the psychic positive cash flow arrived without mechanics. The more typical case reaches the same outcome indirectly.

(Net) output of an asset is its value added, or creation of value. Output can be realized as outflow to owners for reinvestment or gift or exhaust, or it can be left in as growth. The part left in is proprietary or unrealized or self-invested output.

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Outflow to owners can also include decapitalization from capital already in place, as in withdrawals from a bank account. I say decapitization, rather than depreciation, because the appropriate term might rather be amortization or depletion or liquidation in sale, depending on circumstances and the nature of the asset. The sum of the realized output and decapitalization can be called "gross cash flow", meaning gross before deducting plowback and negative cash flow (transfer in). Then

$$\begin{aligned}\text{gross cash flow} &= \text{cash flow} + \text{plowback} + \text{transfer in} \\ &= \text{realized output} + \text{recovered decapitalization.}\end{aligned} \tag{6.1}$$

Here I specify recovered decaptalization because I treat deadweight loss as decapitalization too. Cash flow as accountants and businessmen use the term usually means gross of plowback, although net of transfer in. My meaning, net of both, is the one always applied in finding total return and present value.

Although cash flow might be in kind as well, I will follow convention by treating it as if realized from sale in cash. The owner can then spend the revenue on exhaust (pure consumption) or reinvestment or gift as she likes, but might also plow some or all back into the originating asset. The general principle is

$$\text{positive cash flow} = \text{gross cash flow} - \text{plowback.} \tag{6.2}$$

In simple cases, revenue measures and equals gross cash flow for each asset. But revenue as the term is actually used is likelier to sum contributions from many assets and owners. To keep that usual meaning separate, define this asset's share as "earned revenue". Then

$$\text{gross cash flow} = \text{earned revenue.} \tag{6.3}$$

Another way to put the same idea is

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$$\text{revenue} = \text{collective gross cash flow} = \text{collective earned revenue} \tag{6.4}$$

from all contributors to revenue together. Then revenue and earned revenue would be the same if there are no other claims.

Earned Revenue and Cash Flow

A classical illustration of revenue generated collaboratively is the firm. The firm proper can be interpreted as a single asset of physical capital. Its typically many owners agree to hire outside management, meaning outside themselves, to contract and trade on their behalf. The firm through its managers hires the other employees, contracts with suppliers, and generates a joint product representing all its own gross cash flow plus any contributed parts of gross cash flow of others. The product is sold for revenue in the collective sense. Revenue is first applied to satisfy claims on it by those outside contributors. Claims recovered include current purchases from suppliers realized in sales. Others are pay to management and other employees, along with rent, interest, utilities, other services, and whatever is due to the tax man. The principle is to include all outlays by the firm needed to secure revenue now, as distinct from outlays invested for the sake of more revenue later. The share of revenue due the firm proper is any residue after all those prior claims are met. Then

$$\text{gross cash flow} = \text{revenue} - \text{prior claims} = \text{earned revenue} \tag{6.5}$$

gives the contribution of the firm proper.

Earned revenue may or may not be passed to owners. Management is typically authorized to plow back any part as reinvestment, say in replenishing inventory or cash or in buying new plant and equipment. Any revenue left over after that plowback is transferred out to owners as dividend yield.

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Negative cash flow, or transfer in, always means new investment added from outside. Plowback from revenue is excluded, as it is already recognized as a deduction from positive cash flow. For the firm, the only source of positive cash flow is proceeds from new shares issued. With this understood,

$$\begin{aligned} \text{cash flow} &= \text{gross cash flow} - \text{plowback} - \text{transfer in} \\ &= \text{earned revenue} - \text{plowback} - \text{transfer in} \\ &= \text{positive cash flow} - \text{negative cash flow}, \end{aligned} \tag{6.6}$$

where

$$\begin{aligned} &\text{positive cash flow} = \text{earned revenue} - \text{plowback}, \quad \text{and} \\ &\text{negative cash flow} = \text{transfer in}. \end{aligned} \tag{6.7}$$

Firms use the term gross realized output to mean the same thing as what I call gross cash flow. A common definition is

$$\text{gross realized output} = \text{realized output} + \text{depreciation}.$$

Now we come to the subtle point allowing for deadweight loss. The total return truism shows that output equals value growth plus cash flow. Then output is negative wherever the sum of growth and cash flow is less than zero. Natural disasters and bad investments can make them so. Those unexpected setbacks are examples of deadweight loss. It amounts to unrecovered depreciation, meaning depreciation not recovered (realized) in positive cash flow. I'll get back to that soon. The point at present is that the equation above really means

$$\text{gross realized output} = \text{realized output} + \text{recovered depreciation}.$$

Here too I prefer the generality of "decapitalization" over "depreciation", and define

$$\begin{aligned} \text{gross realized output} &= \text{gross cash flow} \\ &= \text{realized output} + \text{recovered decapitalization} \\ &= \text{earned revenue} + \text{recovered decapitalizaton}. \end{aligned} \tag{6.8}$$

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The terms gross cash flow, earned revenue and gross realized output will be used interchangeably. "Realized" and "recovered" will likewise be synonymous, as will be "proprietary", "unrealized" and self-invested".

(A6.1) allows

$$\text{realized output} = \text{cash flow} + \text{plowback} + \text{transfer in} - \text{recovered decapitalizaiton.} \tag{6.1a}$$

Define

$$\begin{aligned}\text{unrealized output} &= \text{output} - \text{realized output}\\ &= \text{growth} + \text{cash flow} - \text{realized output}\\ &= \text{growth} - \text{plowback} - \text{transfer in}\\ &\quad + \text{recovered decapitalization,}\end{aligned} \tag{6.9}$$

by (6.1a) and the total return truism.

Proprietary Output and Deadweight Loss

Unrealized or proprietary or self-invested output of the firm is creation of value not yet sold or not meant to be sold. This can be something as workaday and perfunctory and automatic as output to inventory. Other illustrations could be where a construction firm builds its own offices, or a car manufacturer makes cars for its executive fleet. (6.9) shows that it includes all growth not explained by plowback plus transfer in less recovered decapitalization. This implicitly includes all free growth. Judging from my charts and tables, free growth seems to mean all of growth at the collective scale. What effect might it have on the firm?

Free growth includes random windfall gain and deadweight loss as well as the overall upward trend expressing new ideas. Deadweight loss is unrecovered decapitalization, meaning not recovered in cash flow, That makes it negative output

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as the sum of growth and cash flow, and specifically negative unrealized output.

Then

$$\begin{aligned}\text{deadweight loss} &= \text{unrecovered decapitalization}\\ &= \text{negative output}\\ &= \text{negative unrealized output}\\ &= \max(0, -\text{output})\\ &= \max(0, -\text{unrealized output}).\end{aligned} \tag{6.10}$$

Also

$$\text{positive unrealized output} = \max(0, \text{proprietary output}), \tag{6.11}$$

and

$$\text{output} = \text{unrealized output} + \text{realized output}. \tag{6.12}$$

The Growth Truism

In general,

$$\begin{aligned}\text{growth} &= \text{capitalization from outside} + \text{capitalization from inside}\\ &\quad - \text{decapitalization}.\end{aligned} \tag{6.13}$$

Here

capitalization from outside = negative cash flow = transfer in, and
capitalization from inside = positive unrealized output + plowback.

Also

$$\begin{aligned}\text{decapitalization} &= \text{recovered decapitalization} + \text{unrecovered decapitalization}\\ &= \text{recovered decapitalization} + \text{deadweight loss}.\end{aligned}$$

Then

$$\begin{aligned}\text{growth} &= \text{transfer in} + \text{positive unrealized output} + \text{plowback}\\ &\quad - \text{recovered decapitalization} - \text{deadweight loss},\end{aligned} \tag{6.14}$$

or more simply

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growth = transfer in + positive unrealized output + plowback
– decapitalization. (6.14a)

(6.14a) can also be expressed as

growth = transfer in + unrealized output + plowback
– recovered decapitalization. (6.14b)

For convenience, define

gross transfer in = transfer in + plowback,

So that (6.14) through (6.14b) can be put more compactly as

growth = gross transfer in + positive proprietary output – decapitalizaiton
= transfer in + unrealized output – recovered decapitalization. (6.14c)

Any of these versions of (6.14) can be called the growth truism. The new term gross transfer in will help shorten equations for human capital.

Management as a Quasi-Owner

Owners (shareholders) typically allow management wide latitude to cope with needs. It stands in place of owners. Accounting tradition, and this book too, reasons out the steps from revenue to dividend yield as if management itself were the owner. Otherwise there would be little to say. From the shareholder viewpoint, revenue is simply dividend yield.

But the bottom line is the same. The maximand is output, or growth plus cash flow. Positive cash flow, in the sense net of plowback, is dividend yield on both the firm's books and the shareholder's. Negative cash flow on the books of shareholders individually is purchase of any shares in the same firm. On the books of shareholders collectively, where sales and purchases of existing shares offset, it simplifies to purchase of new stock issues alone. This too is just as on the books of the firm.

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My purpose in this analysis of the firm has been to derive equations valid for any capital of either factor. The firm is a good model for several reasons. Its accounting traditions are centuries old, and have been well thought through. It is rich in possibilities because it has to be. It must describe firms of many kinds. It must allow for contingencies whether or not they apply. For many simple assets, say the firm's shares as opposed to itself, revenue and positive cash flow can be the same. But the complexity and versatility of the firm itself, and the person-likeness added by its internal management, make it a useful model for any and all capital of either factor.

Not that I claim to follow accounting tradition closely, or even to understand it closely. I am even less an accountant than an economist. My terms and concepts tend to be idiosyncratic. The main thing is for the logic to hold together.

Human Capital by Analogy to the Firm

It is reasonable to define pay as the revenue of human capital. Earned revenue for the firm is typically less than revenue. There are prior claims to offset contribution by worker and suppliers. The counterpart in human capital, I said in Chapter 2, is maintenance consumption. I believed for years that this cost counted as a prior claim on pay, just as with the firm. I may have been the only person to think so since Quesnay and the physiocrats, although Mill and Sraffa might be interpreted that way. But who has thought what doesn't matter. Quesnay's idea is a mathematical possibility that must be addressed. I'll get there soon.

Human capital is inalienable. That means that its decapitalization simplifies to human depreciation. The firm's added possibilities of depletion and liquidation don't apply. The output of human capital is called work. Then (6.1) through (6.8), applied to human capital, give

$$\begin{aligned} \text{earned revenue} &= \text{pay} - \text{prior claims} \\ &= \text{gross realized work} \\ &= \text{realized work} + \text{recovered human depreciation.} \end{aligned} \tag{6.15}$$

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The pay rule argues that prior claims are zero and that all human depreciation is expected to be recovered in pay and work products as a norm.

Chapter 2 offered two logical proofs of the second point. The alternative to recovery is deadweight loss. Capital is discounted foreseen cash flow, and cash flow is realization in transfer or taste satisfaction. Deadweight loss, or unrealized depcatialization, is therefore implicitly unforeseen. Human depreciation, like plant depreciation, is foreseen from the start. Aging and mortality come as no surprise. It is therefore foreseen as realized in pay.

The second proof, stated in part by Becker, follows from the maximand rule. All behavior is maximization of perceived risk-adjusted return to the individual's total capital. This follows from definitions, not from axioms. There are no exceptions because there are no square circles. The rule says that no one invests in anything without expected recovery with interest. Recovery means recovery of depreciation. We do invest in human capital, of ourselves and our children, and consequently expect recovery of human depreciation by ourselves or them. It's that simple.

Other proofs looked to evidence and experience. I offered the parable of the boss and her secretary, which had been decisive in converting me from Quesnay's view. Let's go through it once more. Assume that investment in each has ended before the last year for each. First take the possibility that neither maintenance consumption (the supposed prior claims) nor human depreciation is recovered in pay. Then work and cash flow for each have simplified to realized work and pay. Human capital of each is remaining pay less the time discount. At the beginning of the last year, it is something less than one year's pay. If pay measured work, return to each (work/human capital) would be something over 100% per year. It would rise to 100% per day at the beginning of the last day, and 100% per second at the beginning of the last second. At the end of the last second it reaches infinity. Yet the portfolio assets of each reveal their rates of time-preference (return) as only a few percentage points per year.

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This is enough to rule out the idea that pay recovers neither maintenance nor depreciation. Does it say which is recovered? It does if we look at the cases of the boss and her secretary separately. Each earns the same pay throughout, and the boss earns ten times more. By the beginning of the last day, the human capital and work of each is negligible. Pay is all depreciation recovery if I am right, or all maintenance recovery if Quesnay was right, or maybe both. The boss's pay, anyhow, remains ten times higher. Is that because her maintenance is ten time more, per Quesnay, or because her depreciation is?

The answer is easy. I concede that the higher-paid usually consume more. But not always, and anyhow not in proportion and not because they have to. I learned in the quartermaster corps that the consumption needs of the general and the private are not much different. The commanding officer, in the field, is expected to be the last to eat, the last to sleep and the first up in the morning. Maintenance consumption, as opposed to the rest, is what we need to keep up strength and vitality and performance. We can't make do with less. More pay is more motive, but need not be spent on more consumption unless by choice.

The boss and her secretary are paid to apply skills. They are in trouble if the worth of those skills doesn't cover their maintenance needs. But they will tap savings if it doesn't. Retirees need no money motive to consume. All they need is the means. The source of skills applied is human capital. The application is gross realized work. The difference between its human depreciation and realized work components matters because the maximand is net output (work) rather than gross. But it is not a difference in kind. Skill applied is skill applied. Pay is all depreciation at the last second for the same reason as with the mortgage payment. There is no balance left to earn interest.

This argues strongly that human depreciation is recovered in literal pay and transferred to work products. It also argues that maintenance is not. The problem is

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in the exact 10:1 proportion required throughout. Whatever was contributed to pay by maintenance recovery, on top of depreciation recovery, would have to hold the same ratio in order for pay to cover both. Experience shows this as unlikely in any case, let alone all cases. The boss and her secretary probably couldn't hold maintenance consumption to that ratio if they tried.

Another strong argument against the hypothesis of prior claims on pay is lack of a source. The claimant would be whoever other than the worker had paid for the maintenance consumption and needed to be made whole. Thus the employing firm would hold a valid claim if it had provided the maintenance consumption in order to enable the work. That would put the firm in the position of a farmer who must feed the livestock and must earn enough profit to recoup the cost. We went through this in the parable of Phil and Bill. But the employer firm does not advance the cost because it has no motive to do so. It knows that the worker will pay it anyhow if means allow. Where means don't allow, as in retirement without adequate savings, the worker looks to transfer payments from society generally rather than from the firm alone.

Now comes the evidence of age-wage profiles. This evidence is the substance behind the parable of the boss and her secretary. The evidence is apt. Wage generally means hourly pay, while "earnings" means yearly pay. Wage-earnings profiles show a rise with age, but peaking and reversing as workers reach their fifties or so. The reason is that they tend to work fewer hours. I consider pay per hour a better measure of human capital than pay per year. If someone is worth $30 per hour half time, my impression is that she would be worth $30 per hour full time. If she prefers to stay home, her leisure must give her that much psychic pay instead. Psychic pay cuts just as much ice with me.

My boss and secretary were cases preferring to work full time. Age-wage profiles bear out the scenario I imagined for them. They illustrate the logical certainty that human depreciation is expected to be recovered in pay, and support the

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convergence axioms leading from prediction to probable outcome. More than that, continuance of the 10:1 ratio through the last day tends to confirm that no maintenance consumption is recovered alongside human depreciation. If it were, age-wage profiles show that it would have to hold the same 10:1 ratio throughout.

Exhaust Pay

The present value and maximand truisms affirm that all including human depreciation is expected to be recovered in positive cash flow. Positive cash flow is transfer out plus exhaust. In human capital it is pay less plowback. Might some human depreciation be realized in exhaust? I thought all was when I also thought maintenance consumption was recovered in pay and work products. The boss and secretary parable turned my thinking around on that. But it doesn't follow that *none* is.

Some pretty clearly is. I argued that even suicide expresses the maximand rule. Deliberate self-maiming exists and expresses it again. Just as Citizen Kane destroyed his showcases because the fit was on him, some destroy their bodies. So long as the destruction is intended and *compos mentis*, it counts as economic behavior.

Are there sunnier examples? What about voluntary unpaid vacations and voluntary retirements? What if the boss and her secretary enter convents in mid-career? These choices surrender human capital on the face of things because they surrender literal future pay. But the psychic pay of leisure makes up for it. Otherwise we would have stayed on the job track.

Then some human depreciation is exhaust. Call the psychic pay for it "exhaust pay". It seems mercifully small in the big picture. I tend to neglect it in modeling for that reason, just as with invested consumption after full-time job entry. But I claimed logical certitude as to expected recovery of human depreciation in pay. I'd better not leave loopholes. There are none. Some of the pay is psychic, and some of the tastes satisfied are not pretty.

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Tweaking the Axioms

My last argument reasoned from experience that we need no money motive to consume, and that pay tends to cover our maintenance needs. But that wasn't strictly in the axioms. I assumed a mortal and reproducing population strategizing for means to satisfy tastes, and more generally aims. I didn't say out loud that the population in fact survives. Now I do. Let's specify that the population has motive and means for lineage survival, whether in a group selection or kin selection sense. The means can be specified as skill sets, as an adult norm, sufficient to earn maintenance consumption needs for themselves and invested consumption needs for their young together. As to motive, I will specify at last that maintenance consumption is exhausted in satisfying our taste for survival. I already as much as assumed this in arguing that we need no money motive to consume.

This assumption of motive and means amounts to the biological imperative. It is hardly new to economics. It is the essence of Petty's overlapping generations model of 1662 in *A Treatise of Taxes.* It is the essence of the equilibrium wage theory of Smith in 1776 and Ricardo 1817, where pay converges to the level holding the work force intact. It is the essence of Malthus' population principle of 1798 and 1801, chosen by Senior as his first axiom in his *Outline* of 1836. It is the essence of the productive consumption theory developed from Malthus through Mill in 1848.

It lapsed from attention with the marginalist revolution beginning with Jevons and Menger in 1871, ironically the year of publication of Darwin's *The Descent of Man*, because the marginalists treated explanations of tastes as irrelevant. I happen to be a huge fan of the marginalists. But they've made their point. The microeconomics they founded is a rich and mature science. It needs no assumptions as to what explains our tastes. But macro is not doing so well. I believe that it must start over, and that a grasp of motives helps.

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Quesnay's Idea

What Quesnay wrote, in his entry for "man" in Diderot's *Encyclopedia* of 1750, was

> "Those who make manufactured commodities do not produce wealth…they spend their receipts in order to obtain their subsistence. Thus they consume as much as they produce…and no surplus of wealth results from it."

Quesnay, like Petty a century before, came to economics from medicine. He was personal physician to Madame de Pompadour, and then to the royal family. His argument was that value is added in agriculture alone, not in manufactures. His conclusion that only landowners can afford to pay taxes did not enchant the landed aristocracy of Versailles.

Mill's *Essays*[1] includes

> "as much as is necessary to keep the productive worker in perfect health and fitness for his employment, may be said to be consumed productivity. To this should be added what he expends in rearing children to the age at which they become capable of productive industry."

Mill's *Principles* of 1848, which I quoted earlier, said the same:

> "What they consume in keeping up their health, strength and capacities of work, or in rearing the productive laborers to succeed them, is productive consumption."

Sraffa's parallel idea is expressed in his 1960 paper *Production of Commodities by Means of Commodities*.

My impression is that Quesnay's "surplus of wealth" means value added, and that he thought maintenance consumption should be deducted from revenue in finding it. Mill can't have meant what I think Quesnay did, in view of Mill's evident belief that output is investment plus consumption. Rather, when I like Quesnay argued that

[1] *Essays on Some Unsettled Questions of Political Economy* (1844).

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maintenance is recovered in pay work products, I thought Mill and Sraffa might have reasoned partway there.

My belief then that human depreciation is exhausted is satisfying tastes seemed defensible then. I argued, sensibly to a point, that getting older meant surviving. I suppose I might still argue the same but for the parable of the boss and her secretary.

Another Look at Depreciation Theory

My pay rules, illustrated in the parable of the boss and her secretary, depends on my idea that depreciation and amortization are the same. Capital means present value of a typically finite series of forseen cash flows. As each year passes, present value of the most distant and most discounted one is lost. Depreciation/amortization is that loss. It begins at a maximum, and rises steadily as the end point nears.
I faulted national accounts for projecting an opposite trajectory from evidence of actual sales. I suggested a second look at likely circumstances and motivations. Depreciable assets are mostly structures and equipment. They tend to have been designed and modified for original users. Original users typically expect to own and operate them to the end. Then what is the likely driver of exceptions? Are secondary trades of plant and equipment likelier to be driven by pressure to buy or pressure to sell?

Human capital, anyhow, is exempt from both pressures. We're struck with what we have. We can invest more, as a homeowner might add a pool room, but we cannot sell. The years roll by, and present value of the most distant one's pay is lost.

Consider what happens when the expected end point changes. Say that the boss and her secretary, at the beginning of what was to be the last day, are both persuaded to re-up for another five years at the same pay. Human capital of each jumps from a little less than one day's pay to present value of five years' pay. But human depreciation of each is sharply reduced! At the beginning of what seemed the last

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day, it was substantially to be the whole of pay. Now it becomes present value of a day's pay five years off.

Another Look at Risk Theory

I made the point that the boss and her secretary reveal their time preferences in the security portfolios they assemble, and discount their pay at the same rate of return to reveal their human capital. Is that too simple? Does it overlook risk, or other factors?

I argued that human capital is the risker and higher-return factor because its exceptional versatility makes it as risky as we like, and because it is owned disproportionately by the risk-tolerant young. Does that make the bosses' or secretary's human capital riskier and higher in return than her portfolio assets? It does not. She molds all capital to her single risk-preference level at her current age. This is not to claim that age is the only determinant. Gender seems to count too, with males usually more risk-tolerant. Bob Trivers tells us why. And there is a wealth effect. We tend to tolerate more risk when wealth gives us more cushion against setbacks. But each of us, in present circumstances, has just so much tolerance. Tastes are properties of owners, not of assets. We assemble and modify assets of both factors to suit them. Human capital is not inherently riskier. It is riskier at the collective scale only because it is owned disproportionately by the risk-prone young. Each cohort, from youngest to oldest, molds it to suit that cohort's characteristic risk profile. The boss and her secretary each molds all her assets of both factors to her single risk tolerance at the time.

Tweaking the Life Cycle Model

I consider Ben-Porath's life cycle model of 1967 the most important paper in 20th century economics. I agree with all of it more or less. Now it needs clarification and completion.

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All studies of human capital, as far as I know, effectively treat human depreciation as deadweight loss. Ben-Porath's model seems no exception. How does he model pay? He multiplies human capital by a productivity factor, and then again by the fraction marketed for pay rather than self-invested. That gives what I call realized work. Pay, if I am right, measures gross realized work. That is the main amendment I would propose for his model.

Ben-Porath's first three equations summarize what I call the growth truism (6.14). In my terms, not his, he models

human growth = invested consumption + self-invested work
– human depreciation.

He means positive self-invested work in the form of learning. Meanwhile the inalienability of human capital leaves its depreciation as its only avenue of decapitalization. Invested consumption corresponds to gross transfer in as meant in the growth truism (6.14c) while self-invested work is the same as proprietary output. Then (6.4c) applied to human capital could show as

human growth = invested consumption + positive self-invested work
– human depreciation,
= invested consumption + self-invested work
– recovered human depreciation,

confirming (5.2) and (5.3a).

Logic also seems to agree with Ben-Porath's interpretation that self- invested work continues late into careers, and that it must stop when time for recovery runs out. But I would specify that invested consumption stops, for modeling purposes, at full-time job entry or a little later to allow for initial job training.

This needn't follow from my adjusted axioms. It's just an impression from what I see. I don't agree with Schultz that outlays on medicine or worker relocation are investment. I see them as maintenance consumption preserving skills, not

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investment building skills. I don't see much avenue for investment in adult human capital except through textbooks and tuition. Some happens. I went back to school at the Conservatory myself, and I buy lots of textbooks. But I just don't see enough of it around me. Models must simplify. Mine would end invested consumption at independence more or less.

I would also model adult self-invested work as subliminal and costless job experience. I don't see it as taking a second away from work for pay. This again is meant to describe the usual rule only. Ben-Porath's model, I think, allows an impression that workers can choose between earning and learning by allocation of time. The quotes from Schultz in Chapter 5 described that as common. I just don't see much of it happening. Rather we tend to work fewer hours at the end of careers, not the beginning or middle when time for recovery of self-invested work remains.

I said that Ben-Porath's equations imply

$$\text{pay} = \text{realized work.}$$

I would substitute the pay rule

$$\begin{aligned} \text{pay} &= \text{gross realized work} \\ &= \text{realized work} + \text{human depreciation} \\ &= \text{work} - \text{self-invested work} + \text{human depreciation,} \end{aligned} \tag{6.17}$$

as a norm or expectation. It isn't a guaranteed outcome because deadweight loss happens to human capital too. We may be hit by a bus, or lose our jobs in a slump, or be sent to prison or drafted into the army. The pay rule means that recovery is foreseen. If (6.17) were stated in terms of outcomes, "recovered" would have to be inserted before "human depreciation".

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I believe that the case for this rule is very strong. The deadweight loss rule and the argument from the maximand rule give logical certitude that human depreciation is expected to be recovered in pay. The convergence axioms would then give actual recovery as a norm. The rule disallows the prior claims hypothesis, or possibility that maintenance is recovered too, from an accumulation of implausibilities that led me finally to rule them out by adjusting the axioms.

The life cycle model should also specify that human capital continues after retirement. I admit that this rules out the simplicities assumed in the boss/secretary parable. It continues because we earn imputed pay until the end, and human capital remains as its present value.

I would also model in my depreciation theory. Pay, like the mortgage payments, is all realized work (interest) at the start and all human depreciation (amortization) at the end. No other explanation of age-wage profiles will hold water.

A New Approach to the Pay Rule

I reasoned to the pay rule from the maximand and deadweight loss rules. Another approach can reach the same conclusion.

The total return truism finds

output = capital growth + cash flow.

(6.16) expressed Ben-Porath's equation as

human growth = invested consumption + self-invested work
–recovered human depreciation.

Cash flow is the flow discounted to present value. Tradition, since Farr in the mid-nineteenth century, has seen human capital as present value of future pay less what

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I call invested consumption. I argued in Chapter 3 that this tradition is sound, although not logical certitude. I put it as

$$\text{human cash flow} = \text{pay} - \text{invested consumption.} \tag{6.18}$$

Work is defined as the output of human capital. Summing (6.16) and (6.17) now shows the pay rule

$$\text{work} = \text{pay} + \text{self-invested work} - \text{recovered human depreciation,}$$

after cancellation of invested consumption.

This says that the pay rule is not so exotic after all. It has been staring us in the face since the Schultz-led consensus, with Ben-Porath, figured out the human growth equation a half a century ago. We had effectively recognized human cash flow as pay less invested consumption since Farr a century before, without putting it in those words. The total return truism does the rest.

A New Approach to the Y Rule

The marginalist tradition, which has dominated economic thought since its introduction by Jevons and Menger in 1871, has treated all consumption as the end point exhausting capital in satisfying tastes. It doesn't follow that marginalists were unaware that some is invested in human capital. At least three of the leading ones understood human capital well. That includes Leon Walras, a third co-founder of the marginalist revolution in 1874. I also mentioned Marshall, who agreed with Farr in disputing Petty, and Irving Fisher. But all three, and marginalsts in general, preferred to locate human capital outside the economy proper. Whether they spoke of labor measured in dollars per unit time, or human capital meansured in dollars alone, the larger factor was taken to arrive exogenously. It provided its services from outside and was paid their market value in return, as if on the books of a firm.

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Marshall's pupil Keynes was thoroughly a marginalist, as are economists in general today and as am I. One of the features of his *General Theory* of 1936 was a kind of double-entry accounting for national product. Product was output and equivalently income. Output meant the sum of prices of final products produced within the year, while income meant the shares of that sum paid to the workers and investors producing it. His double-entry idea can be put as

$$\text{output} = \text{investment} + \text{consumption} = \text{income} = \text{pay} + \text{profit}. \qquad (6.19)$$

I showed why I disagree. But let us see how the total return truism might seem to have led to that inference if we leave workers or human capital outside the economy.

To treat them as arriving exogenously from outside is essentially to treat the national economy as if it were a single firm. Output inside is simply profit. Output outside is work, meaning creation of value by the workers. This gives the truism

$$\text{output} = \text{work} + \text{profit},$$

confirming that total output is the sum of factor outputs.

So far, so good. But now Mill and Keynes and most tradition slip by arguing that pay equals and compensates all of work and nothing else. That's why (6.18) equates output to pay plus profit. Schultz and Ben-Porath and other students of human capital correct this in part by recognizing some work as self-invested rather than marketed for pay. My pay rule adds that pay recovers human depreciation as well as realized work. (6.19) should have reasoned

$$\begin{aligned}\text{output} &= \text{income} = \text{work} + \text{profit}\\ &= \text{pay} + \text{self-invested work} - \text{human depreciation} + \text{profit}. \qquad (6.20)\end{aligned}$$

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Where Keynes and Kuznets and macroeconomic tradition have been right is in reasoning that pay and gross profit, meaning gross of depreciation, sum to the "expenditure" spent on consumption and gross investment. This fact of arithmetic is the logic behind Say's law: pay plus profit are always enough to buy what is produced. We saw that this truism gives cold comfort when calamity or misjudgment make profit negative, as with the subprime houses of 2008. What it certifies, anyhow, is

$$\text{expenditure} = \text{pay} + \text{gross profit} = \text{consumption} + \text{gross investment}. \qquad (6.21)$$

We can subtract depreciation to reach

$$\text{pay} + \text{profit} = \text{consumption} + \text{investment}. \qquad (6.22)$$

Now (6.19) can be corrected as a whole to show

$$\begin{aligned} \text{income} &= \text{pay} + \text{profit} + \text{self-invested work} - \text{human depreciation} \\ &= \text{output} \\ &= \text{consumption} - \text{investment} + \text{self-invested work} \\ &\quad - \text{human depreciation}. \end{aligned} \qquad (6.23)$$

My main goal in this book has been to further the work of Solow in exogenizing growth, and also the work of Ben-Porath in endogenizing human capital as something produced within the economy. It was in that spirit that I derived the Y rule in Chapters 2 and 5 by putting human capital inside. I reached

$$\text{output} = \text{investment} + \text{human capital growth} + \text{cash flow}.$$

Here "*ex post net*" is understood before output and investment, so that investment means physical capital growth. (6.16) applies the growth truism to human capital. The cash flow truism shows that cash flow is net transfer plus exhaust realized in

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taste satisfaction. These are all *ex post* descriptions of realized outcomes rather than intentions. Together they give

$$\begin{aligned}\text{output} &= \text{investment} + \text{invested consumption} + \text{positive self-invested work} \\ &\quad - \text{human depreciation} + \text{net transfer} + \text{exhaust} \\ &= \text{investment} + \text{invested consumption} + \text{self-invested work} \\ &\quad - \text{recovered human depreciation} + \text{net transfer} + \text{exhaust.} \qquad (6.24)\end{aligned}$$

This much is certitude. I now apply (5.9), which includes

$$\text{consumption} = \text{invested consumption} + \text{pure consumption,}$$

to reach the Y rule in its general form:

$$\begin{aligned}\text{output} &= \text{investment} + \text{consumption} + \text{self-invested work} \\ &\quad - \text{human depreciation} + \text{net transfer.} \qquad (6.25)\end{aligned}$$

The net transfer term disappears at the collective scale.

Although (6.24) is logical certitude infered from definitions, (5.9) and consequently (6.25) are not. I cannot rule out the possibility of a third kind of consumption recovered in work products as per Quesnay. I hope that my interpretation of age-wage profiles in the light of the boss-secretary parable has revealed that as improbable. The same holds for my derivation of the pay rule through Ben-Porath's equation and (6.18). (6.18), my inference that human cash flow equals less invested consumption, also trusts that all maintenance consumption is exhausted in satisfying tastes.

Summary

Accounting for human capital is much like accounting in a firm. Expected recovery of human depreciation in pay is logical certitude illustrated in age-wage profiles and in the boss-secretary parable. The pay rule is not entirely logical certitude, however, as it also asserts that maintenance consumption is not recovered. Age-wage profiles

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support this hypothesis too, as the constancy of pay differences to the end would otherwise be improbable. I made it the Darwinian axiom: maintenance is exhausted in satisfying our taste for survival.

Ben-Porath's life cycle was adjusted to express these features. Factor risk theory argued that human capital is the riskier and higher-return factor because capital of any kind takes on the risk characteristics of its owners and human capital is owned disproportionately by the risk-tolerant young.

The Y rule contradicts the Y = I + C equation, while the pay rule contradicts the dogma that output equals pay plus work. National accounts are founded on both. That means I can expect tough resistance. I have tried to prepare for it by adding a little more to each argument with each chapter.

Throughout this chapter, and throughout this book, I have bent over backwards to distinguish logical certitudes from falsifiable hypothesis. Economics needs both. But it needs to know which is which. The pay and Y rules, for example, are each certitude in part. The certain part is the heretical one. The present value and maximand rules follow from definitions, and compel *expected* recovery of human depreciation in pay. I then relied on the convergence axioms to infer actual recovery as a norm, not a invariable outcome, and on the new axiom of the biological imperative, as well as evidence from age-wage profiles, to infer that maintenance consumption is exhausted rather than recovered in pay as well.

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CHAPTER 7: PETTY'S IDEA

How We Got to this Point

I said that if I had any sense, I would have left the worms in the can by pretending to believe (4.1) as Mill did and as the rest of the world seems to do. Charts and tables confirm his prediction in his and their terms as well as mine. But Piketty's argument was rightly criticized for leaving human capital out. Someone might or might not have faulted mine on the same ground if I had stopped at the end of Chapter 4. Whether they would have or not, every composer knows that the critic to hear is the one inside. What that critic told me was to gamble a case already won, open the can, and follow the argument and worms wherever they lead. That's why my title promised other surprises.

I risked following it past clarification into digression when I argued the pay rule. I since tried to justify the digression, if there was some, by showing how that rule could explain Piketty's data for pay/net profit ratios in the twentieth century. And I tried to show how the pay rule and depreciation theory combined, making pay all human depreciation and no realized work at the end, gives the only convincing explanation of age-wage profiles showing rising or steady pay as human capital grades smoothly to zero. Risk theory reinforced this argument by revealing time discount rates for human capital as those made plain for physical capital owned by the same ageing cohorts. Every step was an adventure, and every step led to the next one. But I opened other questions and cans along the way, and the same critic tells me to follow the worms a little farther.

I said that the cost of survival is adult consumption for the sake of investment in the next generation, that pure consumption is more or less the same, and that we will understand the maximand when we understand pure consumption. These threads lead into evolutionary biology, which reasons how traits are selected for lineage survival. The faithful need not take alarm. Although I mean natural selection, divine

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selection should probably do as well. We are all at peace with the fact that people and other creatures care for their young.

Economics and evolutionary biology are much the same. Helen Keller, born blind and deaf, might still have reasoned her way through much of both. Hamlet would have loved them. I love them most when they test the limits of logic, and consult the data only at the end. The theme from which both reason, as Herbert Spencer taught in the nineteenth century, is what he called "survival of the fittest." Another philosopher, Karl Popper, found fault with this idea a century later. Popper was one of those I mentioned who disapprove of truisms. I haven't read Popper, but gather that he thought it improper to define fitness as potential survival, and then measure it as survival. That objection is close to being understandable from an anti-truism viewpoint. But the reason why it is not quite a truism is instructive. Measurement implies an "empirical" world of data in external and observable reality. Spencer's insight, really his paraphrase and generalization of Darwin's, is not quite a truism because it carries the hypothesis that "potential" has an empirical meaning. Aristotle's idea that potency precedes and explains act is called causality. Adam Smith's friend and fellow Scotsman David Hume scarcely doubted causality, but argued correctly (I think) that it cannot be proved either by logic or by experiment. The fittest prove themselves such by surviving if and only if Aristotle was right. Natural selection simply means the untestable but little-doubted theory of causality.

Spencer or Darwin or Gertrude Stein might be faulted for insulting our intelligence by stating the obvious. That shoe would fit Gertrude Stein. But Spencer and Darwin, like the little boy in Hans Christian Andersen's *The Emperor's New Clothes*, were stating the obvious unseen. Andersen's point was that intelligence was not the thing lacking or what the little boy supplied. It was about how tradition and mind-sets and in-groups might sometimes need a look from outside. Peer review is not enough. Sometimes it perpetuates nonsense. The little boy was not a peer, but he could tell clothes when he saw them. ("Peer", as any theorist knows, means someone who pees on your theory.)

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I confess that this book casts me as that little boy crashing the economic party, and maybe the evolutionary biology one too, in trust that outsiders might have better chances to spot the obvious unseen. What else was the pay rule? I derived it easily from doctrines already accepted, I think, and anyhow hard to refute. Those were the total return turism and Ben-Porath's equation for human growth. The maximand rule or deadweight loss rule would prove it as well. How could Becker have missed that what holds for investment in job training by employers holds for any investment by anyone in anything? How could students of the age-wage problem have missed the obvious solution? Investment implies expected recovery with interest, by the investor or a chosen donee, and recovery means recovery of depreciation. I belabor this point because tradition dies hard, and naturally tends to circle wagons under attack. I doubt that my surprise attack will meet the resistance Darwin's found. Darwin's met resistance founded on faith. I took pains to show that my version requires only selection for lineage survival, and that a benign Artificer might ordain the same.

Evolutionary Biology and Hamilton's Rule

Economics, meaning any quantitative rationale of choice, normally describes humans and human choice. That goes for this book too. But some treatments of economics including this one are meant to fit other creatures as well. My axioms have kept that in mind. The mortal and reproducing population need not be human. Much of the animal kingdom, I think, shows convergent tastes and predictions or acts as if it did. The biological imperative is meant to apply to all. All, as I see it, own capital of both factors. Even protozoans own ("monopolize") the nutrients they assimilate and the space they occupy. Humans are exceptional in their cultural accumulations of learning and technology shown in our secular (lasting) growth. But I did not make those features axioms.

I argued that economics tended to reason explicitly or implicitly from the biological imperative, meaning what I call "ends" in lineage survival, from Petty through Smith

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and Ricardo and Malthus and Mill, until the marginalist revolution shifted focus from objectives to the mechanics in supply, demand and price. Bioeconomics awoke a century later, largely it seems in response to the challenge of Hamilton's rule. Now I will look at it too.

My term "lineage survival" is unusual. It is meant not to take sides between "kin selection" and "group selection." The kin selection idea was another word for Hamilton's rule from his doctorial thesis in 1964. It said that genes encoding investment in close kin encode investment in likeliest sharers of those genes, and should tend to entrench and perpetuate themselves. His condition for investment was $r \rangle bc$. r here meant relatedness: ½ for offspring or siblings, ¼ for nephews or nieces or grandoffspring, and so forth. b meant benefit to the donee, and c meant cost to the investor. The sign > means "greater than". The cost and benefit were measured in fitness itself, meaning chances to survive and breed. But that too meant "inclusive fitness" where investing in kin counted as breeding when adjusted for relatedness. The idea was that I give up some of my chances if I can increase yours to my net genic advantage in the long run. Hamilton allowed for exceptions including meiotic drive, which sometimes forecloses gene competition. His rule prevailed because it made mostly good predictions. Humans and creatures in general usually care for their own young first, if they have any, and for closely related young if not.

Hamilton made it clear that cost c and benefit b in his hurdle $rb > c$ respectively meant fitness given up by the investor and fitness grained by the investee. He further made it clear that fitness could be measured as R. A. Fisher's "reproductive value" $V(x)$ published in 1930 and 1957. $V(x)$ meant likelihood at age x of reaching each successive age times expected offspring at that age. $V(x)$, or Bob Trivers' "reproductive success" RS, which simplifies $V(x)$ to expected remaining offspring, is implicitly constant at the population scale unless there is population growth (Fisher's "Malthusian parameter"). For creatures other than us, the

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parameter typically fluctuates around zero and group fitness holds about where it started.

Hamilton's rule, applied to diploids like us where closest relatedness r absent inbreeding is ½, forbids investment where fitness gained (benefit) is less than twice fitness given up (cost). I see no escape from the inference that fitness would double with each generation, or more to account for cases where relatedness fell below ½. I see no relief in an interpretation, say, that each successive generation cures this imbalance by investing only half or less of its fitness and letting the rest lapse. Fitness is likelihood of leaving descendants of equal fitness. It is not strictly conserved, because likelihood is generally not identical to outcome. There is *ex ante* and *ex post* fitness. But the *ex ante* kind is meaningless unless potency, in Aristotle's terms, is expected to converge to act. Hamilton's rule should not have escaped this critique for half a century. It clearly has merit, but needs some different expression.

Such a reformulation might treat rb/c as a maximand within practical constraints. We can see how it might be by looking at the context. Darwin's idea is a competition for breeding success. This biological imperative is a powerful predictor in nature. It predicts that traits are selected for successful reproduction to the exclusion of all else. Evidence is impressive. "Semelparous" creatures who breed only once and do not invest postpartum care, like salmon and soybeans, die within hours. An octopus mother breeds only once, cares for her young a few weeks, and dies as they disperse. Nature is on a tight budget. Resources wasted soon become resources lost to thriftier lineages.

Hamilton saw this. He was right in stressing the role of competition among individuals and individual heritable traits. Darwin did the same. One thing Hamilton's rule leaves out, which is not to claim that he overlooked it, is that traits and their genes best at *prioritizing* self-replication might for that reason hurt chances of *achieving* it. We know this happens. Human tradition everywhere resists and punishes nepotism when it crosses a line. Jane Goodall reported the same for

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her chimps at Gombe. I think I have seen it among the pack of dogs, led by my father's favorite "Sean", at Sutton Place. That would count as one of the practical constraints. Too little support for family over equally deserving others is seen as a fault, and too much as another.

The reason is obvious. Jack's ambitions for kin will eventually conflict with Zack's, just as with ambitions for food and nest sites and mating opportunities. Not everyone's firstborn can be king of the hill. Social creatures evolve agonistic rules to settle such conflicts peacefully. Losers in mating tournaments, or in contests where males display and females choose, usually survive to compete again next year. The contest is in the group interest because the traits of strength and skill proved in the winner will be those passed on. Our genes tell us to compete as best we can for the sake of a fair test, and to stop when the verdict seems clear. And soon enough it does. The quarterback tries his best for three downs to move the yardsticks, but trots to the sidelines on fourth down for the sake of another chance later. If genes can encode this farsighted strategy for those other kinds of competition, why not for nepotistic competition too?

For decades, biologists wondered why genes need so much selecting in species long established. Shouldn't earlier contests have selected the fittest genes once and for all, with no need for further ones but to screen out recent and harmful mutations? Shouldn't the best traits have become clear millennia ago? Why need males contest in tournaments or beauty contests every breeding season, with mostly the same contestants, when best genes ought to have proved themselves soon after the species began? Then there would be no genetic diversity except for recent mutations not yet screened out. Population genetists such as Fisher, J. B. S. Haldane and Sewall Wright had written mathematical models showing that even the slightest selection pressures should drive a gene to fixity, and its rivals to extinction, within a few generations if selection favored it consistently. Their argument was Malthus' insight: breeding success is geometric. Yet there is rich allelic diversity wherever we look. There are some gene sites in some species where the most common allele

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holds frequencies under ten percent, and those frequencies are constantly shifting. The flux proves that losers are allowed mating opportunities too, though not as much, and leave young to compete in the next generation.

Hamilton explained why that could make sense in a paper published with Marlene Zuk in 1982. George Williams in 1976 and John Tooby in 1980 had argued that fittest genes in one generation might not be fittest in the next if niche pressures varied to counter current gene choices. Tooby had pointed to parasites and pathogens, particularly single-cell ones whose life cycle runs less than an hour. They could evolve new strains to outflank our old defenses and call for new ones. Hamilton and Zuk continued this theme. They suggested that genes might have long memories, put in human terms, and might have seen the same parasites and pathogens pull such tricks before. If some individuals in the host population still carried the antidote gene that worked the last time the same unexpected strain arose, or something close enough to it, hosts collectively could weather the threat if that antidote gene could be identified and spread fast enough. Then how? Hamilton and Zuk proposed that what winning males display in contests of singing or croaking or agility or symmetry, or bright colors in the right places, was possession of the genes needed to counter the *current* strains of pathogens and parasites. Losers in the same contests carried genes that had proved best against strains of the past and might come back in the future. Nepotism practiced by winners would speed up the spread of the current antidote. But losers carried genes that had worked against other strains that might recur. A way had to be found to keep all those potential antidotes somewhere in the medicine cabinet. Current losers had to be saved for later. Gene diversity was the key to group survival in the long run. The quarterback trots to the bench on fourth down because that is better for himself and the team than being carried to the hospital. He realizes that other players are best for punts or field goals or defense until he gets the ball again. Selection pressures do *not* favor the same traits and genes every time.

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Hamilton's Parasite Theory

My take on Hamilton's 1982 paper, which I consider his masterpiece, is a blend of his thoughts, Bob Trivers' from a decade before, Richard Alexander's, and maybe mine. Mine sees a population arranged in local "demes" which intrabreed in most cases for best adaptation to local pressures including pathogens and parasites. A local strain to which the local deme is adapted might spread to other demes which are not. Hosts in the invaded demes become sick. Female ones there intuit the degraded conditions, breed less often, and breed mostly females (mothers can choose) because males with their now ill-adapted anti-parasite (histocampatability) genes will find few willing mates. This begins the part from Trivers. I'll come to Alexander's later.

Mothers in the source deme see an opposite picture. Conditions are not necessarily better than before, but they are better than in the invaded demes. They intuit this, breed more often, and breed mostly males. The males migrate to those invaded demes, carrying histocompatibility genes pre-adapted to the invaders, and find willing mates there if they can show the signs. The idea that mothers choose to breed mostly males in prosperous conditions is the other half of Trivers' idea. The idea that the invading parasite and the males with antidote genes might tend to originate from the same deme may be mine.

That presupposes that females can trust the signs. Nature makes sure they can. She provides resistant males with hard-to-feign ones to prove it. This was one of Hamilton's key insights. His idea has been called the "truth in advertising" theory. Symmetrical antlers, deep croaks, accurate songs and bright colors where they should be tell the females whose genes can be trusted. Parasites and pathogens would fake them in afflicted host males if they could. It seems they can't.

Hamilton, I believe, had solved three nagging puzzles at once. Why does nature waste resources on beauty displays that seem at first glance to hinder fitness? A

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peacock's tail feathers are an encumbrance in running from predators. And why give the expensive displays mostly to males? Why do males exist at all in species where they contribute genes but no care?

We just saw the answer to the first. Answers to the second two again build on an insight of Trivers in 1973. Males produce cheap sperm carrying genes alone. Females produce eggs packed with costly nutrients. A male can pass genes to many descendants through many mates if they approve his signs. That speeds up the fight against parasites. Nature evolved males and their self-promoting signs and their contests for fastest spread of antidote genes to catch up to shifts in parasite load.

Where Do Losers Go?

A key point in the Hamilton-Zuk theory is that losers' genes in the beauty contest are typically not driven to extinction. They are driven to low frequencies until needed again. Kin selection, up to a point, helps maintain genic diversity by preserving current losers within the gene pool. Selection pressures punish and restrain kin selection when it conflicts with preservation of other genes whose time will come again. I met Hamilton at a conference in Squaw Valley, where Bob Trivers had helped us attract him, and told him this reason why I thought his 1982 paper helped complete and qualify his 1964 paper. He was the absent-minded professor to perfection. Moody, distracted, profound. He smiled, a rare thing for him, and said "It's been a long search."

This explains what I mean by lineage survival or fitness. Much of this book assumes its maximization even among modern humans, who create our own urban environments in place of the ancestral savanna for which we were adapted. And much of economic history, although written in cities by city-dwellers, appears to assume the same. Chapter 2 listed some examples. Let's review them. There was Petty's of 1662. The similar equilibrium wage theories of Smith and Ricardo expected pay to converge to the level maintaining and replacing the work force, which is trusted to spend it on both. Malthus' population principle in 1798 and 1801

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added the mechanics. Nassau Senior made that principle his first axiom in his *Outline* of 1836. The biological imperative lapsed from attention when the first generation of marginalists, led by Jevons and Menger, with Walras soon to follow, thought it unscientific to explain or justify tastes. It reemerged a century later in bioeconomics, much of which looked for economic implications of Hamilton's rule. We will see how it might clarify pure consumption and the maximand.

Enlightened Kin Selection

Hamilton's rule needs completion because the quarterback and his genes have figured out that the bench is better than the hospital. What really happens, I think, is a long-range example of Bob Trivers' "reciprocal altruism" of 1971 as generalized by Richard Alexander. Bob wrote that creatures might invest in non-kin if the investment were expected to be repaid with interest. Alexander added that the repayment could be to the investor's kin with equal genetic benefit if Hamilton's hurdle $rb > c$ were cleared from the investor's perspective. The quarterback yields to special teams on fourth down, and they to the defense until possession changes again, for the best interests of each and all in the long run. The interest they receive in turn for deferring to non-kin is the cost of maintaining themselves on the bench. It does not accrue and compound because it is paid out continuously. It is an insurance cost that each temporary winner dares not trim. Group selection is enlightened kin selection.

Three or four decades ago, this much acknowledgement of group selection would have met more resistance than I expect now. It shouldn't have. Half the beauty of the Hamilton-Zuc scenario is in explaining allelic diversity as a result of agonistic rather than lethal competition. Zack and Jack and their genotypes are rivals now because they are teammates in the big picture.

Kin selection is a help until it crosses the line and becomes a hindrance. Some mothers in the source deme will carry higher frequencies of the antidote gene than others. They will tend to be healthier, and so able to invest more energy in more

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young. If all mothers invest preferentially in their own, or maximize Hamilton's standard $rb > c$, healthier mothers will produce more young with higher doses of the antidote genes, while sicklier mothers will produce less with less. Here it is females who compete to prove the same better genes that males just proved in the tournaments or beauty contests.

The race against parasites speeds up again with Trivers' fine insight about healthier mothers choosing to dial up the ratio of sons to daughters ("primary sex ratio"), and to expand the reproductive period at both ends with shorter birth spacing for more male offspring still. (Some of this may be my idea rather than his.) Nature proves best current genes twice. Fathers prove them by duking it out or strutting their stuff. Mothers carrying the same best genes prove it by winning the breeding contest against other mothers after.

The *ex ante/ ex post* distinction counts as much in biology as in economics. Here it accelerates the selection process. Offspring carrying the antidote gene to meet current parasites will generally not on that account cost more *ex ante* invested consumption to raise. If they are males, who can turn that advantage into many offspring, the *ex post* value of that same investment can be far higher. The converse works for offspring lacking the gene. Their mothers can make the best of it by producing females who will find breeding opportunities anyhow with mates carrying the gene, since she knows which they are and males always have cheap sperm to spare, and will so keep their own genes in the gene pool.

Parasites got the last laugh by killing Hamilton on research in Africa a few years after I met him. I never knew well enough to call him Bill. Bob Trivers called him the deepest thinker in the world. That couldn't be wrong by much.

Parasites and Demes

Ernst Mayr, Bob Trivers' doctoral advisor at Harvard, defined a deme as a race or subpopulation that intrabreeds at least 95% of the time. I hypothesize that it does so,

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in some cases, to maximize frequency of a histocompatibility gene which is an antidote to the local strain of parasite or pathogen. This idea could complement the Hamilton-Zuc parasite model nicely. It would give a safe home to which both gene and parasite could retreat until their times come again.

Period of Production Theory

Back to economics. Chapter 4 mentioned John Rae as a contributor to what later developed into Mill's free growth theory. Rae's book, published in 1834, also begins what was called period of production theory. The idea was that production took time, and that profit compensated the investor's patience over the production period. Senior, who had sent Rae's book to Mill, adopted this idea in his own better-known *Outline* in 1836. Rae's book itself found few readers, despite its warm endorsement by Mill in his own *magnus opus* of 1848. Jevons adopted the idea from Senior in 1871, and Boehm Bawerk from Senior and Jevons in his book of 1889. Boehm Bawerk soon learned of Rae's work, and dedicated later editions to him. Period of production theory thrives today in the Austrian School, which had been founded by Boehm Bawerk's teacher Carl Menger in 1871. (Menger was the guy who squabbled with Schmoller in Chapter 2.)

It has found little favor elsewhere. The period seemed impractical to define or measure, and so gave little predictive value. Joseph Schumpeter, a student of Boehm Bawerk who disagreed with him on this point, argued in 1911 that the period of production is zero; capital is present continuously. Frank Knight, who had anticipated Schultz in realizing that some consumption is investment in human capital, argued as Schumpeter had.

But the theory is true by definition. Any rate is the inverse or reciprocal of a period. The inverse of 4% per year is 25 years. Return is the ratio of net output to capital producing it, meaning the rate of production, and its reciprocal is the period of

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production. Where the critics were right was in finding a lack of clarity and predictive value in the theory. Where does it lead? Rabbits and redwoods have different periods of production, at first glance, but should nonetheless agree in return if in risk. Jevons wrote that he meant production of the "wage fund" as a whole, meaning the universe of consumer goods. But he pointed to wine and timber as examples to help pin down the period. Boehm Bawerk picked nine years for no reason I can see.

All went wrong by considering physical capital only. The factors blend into each other; physical becomes human capital through invested consumption, and conversely when human depreciation is recovered in products. The generation length gives the replacement period for total capital if total capital is interpreted as fitness and if all fitness of each generation is passed to the next.

Jevons and Boehm Bawerk assumed growthlessness for simplicity, and would have realized that they were modeling only the replacement component in net output. Boehm Bawerk's contribution, anticipated by Petty, was his insight that time preference rate explains rate of return by pricing the capital denominator, and not the reverse. This had not been clear in Rae or Senior or Jevons. I give all four high marks for a near miss. But they could have come closer. Remember that Senior's first axiom had been Malthus' population principle. He and the others would also have known of Petty's human and total capital idea, which was occasionally revived and critiqued. They didn't quite connect the dots.

Next Generation Theory

Petty wrote *A Treatise of Taxes* in 1662. The whole title continues to about as many words, counting ampersands, as pages in the book or pamphlet. His son tells us that Petty dictated his books overnight to secretaries who slept by turns. It is easy to believe that Petty didn't need much sleep. He was a go-getter who had sailed to

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Ireland as chief medical officer to Cromwell's ironsides, stayed on to survey the Irish land with which Cromwell would pay his troops, and then got Parliament's approval to invest in that high-risk land to make a fortune. It is rare for a man of practical gifts to be a deep thinker too. Petty, like my father, was both. His *Verbum Sapienti* of 1664 was first to apply the ancient capitalization formula to both factors, meaning workers as well as tradeable things, and so originated the concept of human capital as present value. He applied this insight there and his *Political Arithmetick* in 1676, and again in *The Total Wealth of England* in 1683, to measure the total wealth of England including human capital. That makes him the father of national accounts. But his greatest achievements, I think came in *A Treatise of Taxes*.

Chapter 4, paragraph 9 of that book begins with

> 19. Having found the Rent or value of the usus fructus per annum, the question is, how many years purchase (as we usually say) is the Fee simple naturally worth? If we say an infinite number, then an Acre of Land would be equal in value to a thousand Acres of the same Land; which is absurd, an infinity of unites being equal to an infinity of thousands.

Petty clearly recognizes that time preference, meaning our taste for impatience, explains productivity, or ratio of output to capital, rather than the other way around. This powerful and counterintuitive insight is usually credited to Boehm Bawerk in 1889, who showed that it is true for man-made things as well as land. The utility or usus fructus being a given, we bid less for the land or other capital producing it if we are less patient, and more if more. Bidding less for this denominator of rate of return bids that rate itself up if the numerator is a given, and conversely. That's why riskier assets offer higher return. Petty's *reductio ad absurdam* of a hypothesis of infinite patience is obvious in hindsight, but may not have been written down before. Petty continues:

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> Wherefore we must pitch upon some limited number, and that I apprehend to be the number of years, which I conceive one man of fifty years old, another of twenty eight, and another of seven years old, all being alive together may be thought to live; that is to say, of a Grandfather, Father and Childe; few men having reason to take care of more remote Posterity: for if a man be a great Grandfather, he himself is so much nearer his end, so as there are but three in a continual line of descent usually coexisting together; and as some are Grandfathers at forty years, yet as many are not till above sixty, and sic de eteteris.
>
> 20. Wherefore I pitch the number of years purchase, that any Land is naturally worth, to be the ordinary extent of three such person their lives. Now in England we esteem three lives equal to one and twenty years, and consequently the value of Land, to be about the same number of years purchase. Possibly if they thought themselves mistaken. . . .(as the observer on the Bills of Mortality thinks they are. . .)
>
> 21. . . . But in other Countreys Lands are worth nearer thirty years purchase, by reason of the better titles, more people, and perhaps truer opinion of the value and duration of three lives.
>
> 23. One the other hand, Lands are worth fewer years purchase (as in Ireland) . . . by reason of the frequent rebellions. . ."

The "other Countreys" could include France and especially Holland, then models of prosperity. Petty had made his fortune in Irish mortgages, and knew the years purchase there.

But the argument is a puzzle. There is a focus on longevity and mortality, as if the generations are providing for old age. But Petty's overlapping generations model cannot be much like Paul Samuelson's of three centuries later, where a generation of productives leaves a nest egg for retirement. Samuelson's productives are replenished exogenously, with children left to the imagination. Why would Petty have mentioned their ages? And retirement at age 50, as a norm, would have made no sense to Petty or his readers. The grandfather will stay in harness.

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The one and twenty years could mean remaining life expectancy at age 50. But Petty could easily have spelled that out, or the implied 71 year terminus. He does spell out the ages of the three generations. Their average difference in age rounds to 21 years.

Petty's readers, like Smith's and Ricardo's after, would have taken it for granted that each generation provides for the next. "Few men having reason to take care of more remote posterity" would have registered in the context of that provision. "Posterity" usually meant and means descendants.

His description, like mine, is incomplete. He may mean that life expectancy is also a factor in calculating the years purchase. If so, he apparently leaves that thought to be followed up later. There is also room to argue that the grandfather looks two generations ahead, so that the years purchase becomes 42 years. But that would give the usus fructus at 2.3%. All the rates Petty reports elsewhere in the tract are much higher. One generation length is what he seems to apply. My reading is that the grandfather provides for the grandson by passing all to the son.

Petty's overlapping generation insight has been one of his least noticed, just as with Mill's on output growth preceding and explaining capital growth. I first read of Petty's idea in a collection of Lionel Robbins' lectures at London School of Economics delivered in 1979-1980, but published in 2000. I learned from these lectures that Gustav Cassel had published the same idea in his *The Nature and Necessity of Interest* in 1903. I hunted that down. Robbins misremembered in telling his students that Cassel had arrived at the idea independently. In fact Cassel and Robbins both quote the same excerpts from *A Treatise of Taxes* that I just did. Cassel inferred that interest rates cannot stably be less than 2% per year.

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I arrived at the same idea independently, anyhow, and published it in *Social Science Information* in 1989. To date it is my only publication in a refereed journal, and remains uncited as far as I know. Alan Rogers, a biologist at University of Utah, published almost the same idea in 1994[1] and 1997[2]. Neither of us knew of Petty or Cassel or each other. Both of Rogers' two papers are included in my appendix. Petty's great idea has otherwise remained unnoticed as far as I know.

His idea in modern terms comes from the same ancient capitalization formula. Sumerian temples knew how to evaluate land as well as mortgages and annuities by discounting to present value. In the simplest case, where cash flow is expected to hold constant forever, the logic begins with the definition

$$\text{cash flow rate} = \frac{\text{cash flow}}{\text{capital}} .$$

Algebra allows

$$\text{capital} = \frac{\text{cash flow}}{\text{cash flow rate}} . \tag{7.1}$$

Years purchase, given those simplifying assumptions, meant

$$\text{years purchase} = \frac{1}{\text{cash flow rate}} , \tag{7.2}$$

[1] *The Evolution of Time Preference*.
[2] *Evolution and Human Choice over Time.*

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Suppose for example that cash flow rate is known to be 4%. Using (7.2), we would figure

$$\text{years purchase} = \frac{1}{4\%/\text{year}} = \frac{\text{year}}{4\%} = \frac{\text{year}}{4/100} = \frac{100\,\text{years}}{4} = 25 \text{ years.}$$

That allows (7.1) to be reexpressed as

capital = (cash flow) x (years purchase). (7.3)

Where cash flow and cash flow rate are assumed constant over time, they become identical to profit and rate of return. Sumerians realized that return is the universal maximand, three millennia before Turgot wrote that down, and that competition tended to equalize it to a current market norm. Then it would also equal years purchase.

Petty was searching for the rationale of years purchase, and found it in the generation length. Petty's idea I think, and mine anyhow, could begin with

capital = means of accomplishing goals= means of lineage survival= fitness. (7.4)

Nature's way is transmission of all fitness, meaning total capital for humans, to the next generation. Nature cares just as much for later generations, but trusts each generation of immediate descendants to know best what their own immediate descendants will need for that long-range goal. Each passes the baton and retires. We invest everything in the next generaton precisely because we care about the ones after. Hamilton's rule reflects this reality. Grandoffspring are only ¼ related to

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donors, while offspring are ½ related. Hamilton thus predicts grandoffspring to receive investment only when benefit/cost ratio is double. My own analysis allows more role for group selection, without saying how much, and shifts attention from who benefits to when.

Petty's idea, if I understand him, is

$$\text{years purchase} = \text{generation length} = 21\text{years}, \tag{7.5}$$

which would give

$$\text{cash flow rate } \frac{1}{\text{generation length}} = \frac{1}{21\text{ years}} = 4.7\%/\text{year}. \tag{7.6}$$

This would tally well enough with rates of return and interest rates as Petty knew them.

I would adjust Petty's estimate of the generational length. Petty's primogeniture model may have been true to law and custom for land inheritance, but it is not true to biology. I prefer R. A. Fisher's[3] method equal-weighting all births from first to last, and equal-weighing ages of both parents at each birth. We have some evidence that the maternal generation length in recent decades, by that method, has run near 26 years over recent decades. If fathers are five years older on average, Fisher's method would arrive at 28.5 years. Rogers found 28.9 years from other sources. Then (7.6) would give

$$\text{cash flow rate} = \frac{1}{28.5\text{ years}} = 3.5\%/\text{year}. \tag{7.7}$$

[3] *The Genetical Theory of Natural Selection* (1930).

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All this has assumed has assumed constant cash flow indefinitely. That would imply zero growth. Only under zero growth do output and rate of return simplify to cash flow and cash flow rate.

Now let's model growth in. I divide the Y rule by total capital, as in Chapter 4, to get

$$\frac{\text{output}}{\text{total capital}} = \frac{\text{total capital growth}}{\text{total capital}} + \frac{\text{cash flow}}{\text{total capital}},$$

or more compactly

$$\text{rate of return} = \text{growth rate} + \text{cash flow rate.} \tag{7.8}$$

At the collective scale, cash flow rate simplifies to pure consumption rate. That would be written

$$\text{rate of return} = \text{growth rate} + \text{pure consumption rate,} \tag{7.9}$$

as in Chapter 4. Then (7.6) through (7.9) allow

$$\text{rate of return} = \text{growth rate} + 3.5\%/\text{year} \tag{7.10}$$

at the collective scale.

(7.10) would be wrong if growth rate were a function of cash flow rate. I said that politicians, and even economists to a degree, teach that faster growth needs consumption restraint first. That corresponds to cash flow restraint in (7.10). Free

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growth theory says such restraint doesn't happen. Data say the same. I apply the same idea in next generation theory.

My 3.5% is a rough estimate. What counts is the generation length. The length was probably higher, and the rate lower, before medicine and sanitation lowered mortality rates, and let two or three births per couple meet the need for population replenishment.

The cash flow or pure consumption rate modeled at 3.5% might also vary for reasons other than changes in the generation length. My charts show the pure consumption/total capital rate as higher in the middle part of the twentieth century as people drained capital reserves to keep up consumption in times of world-wide depression. I'll say more about these reserves.

First Interpretation

Next generation theory says in effect that R. A. Fisher's version of the generation length, not Petty's primogeniture version, gives the period of production of total capital. We would miss the point if we focused on the period production of human capital separately. *Total* capital is our means of lineage survival. This reinforces my theme that human capital does not mean humans. It means skill sets priced at present value of foreseen cash flow. Skill sets are not enough for lineage survival. We also need things. We should not fall into the trap of surplus value theory, which had been taught by communists for decades before Karl Marx joined their ranks, in supposing that skills make things. It is only half the truth. Skills plus things make skills plus things as the generations repeat.

Nor should we make the mistake of supposing that the generation length begins and ends uniquely from birth to birth, so that the remaining period of production grows shorter over adult life and the time discount rate steeper. The period of a cycle is the same at any point. The young, simply by maturing, are already investing in their

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counterparts in the next generation. Each cohort (same-age group) invests effectively in its immediate descendent. Eight-year-olds are investing in the next generation of eight-year-olds, and so to the end. That's why Fisher's version of the generation length is best. It prioritizes each cohort and gender without judgment as to which matter more. The period of production gives our patience horizon. The horizon and its reciprocal, the pure consumption rate, both hold the same at any age.

Cash Flow and Risk

The maximand rule notes that time preference and return vary with risk. Return is growth rate plus cash flow rate. Is variance with risk captured more in one of these two components than the other?

We might intuit that riskier and higher-return assets grow faster on average, over enough time for the bumps of risk to even out. But if that tended to be true, the universe of assets would grow progressively riskier over the decades and centuries. That is not my reading of history. My impression is that smoother and rockier periods come and go without overall trend. In the world we know, then, it is cash flow rate rather than growth rate that varies from asset to asset with risk.

For illustration, consider factor risk. I argued that human capital figures to be the riskier and higher return factor because assets tend to reflect the risk appetites of their owners. The young are more risk-tolerant, and own human capital disproportionately. If this higher return were reflected in higher growth, rather than in higher cash flow, the ratio of human to physical capital would tend to rise steadily over the millennia. Most readings have tended to see it the other way around. I myself favor the neutral assumption that the factors keep pace. Then cash flow rate becomes higher for human than physical capital, with 3.5% the cap-weighted average.

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Consider also the history of corporate leverage. Equities are riskier because bond interest is paid first. If equities grew faster, however, leverage would constantly decline. That is not what we see.

This inferred concentration of risk premium in cash flow rate is convenient for testing. Growth and return are two of the most closely followed variables in economics. We have no direct measure of the pure consumption rate, or cash flow rate at the collective scale. Nor have we any direct measure of growth and return to total capital at any scale. But we have a good idea of average return and growth and cash flow to securities and business assets. By the maximand rule, return to human capital should be the same but for differences in risk. I model human capital as somewhat riskier, for reasons just given, and human capital is the larger factor. Then if I am right in placing the risk premium within the cash flow component of return, and in estimating average-risk cash flow rate at 3.5%, cash-flow rate to the business sector as a whole should be somewhat less.

Next generation theory predicts at the collective scale. Collective return is implicitly average return, and that means average-risk return. My reading of history, which rules out progressive growth of higher-risk assets at the expense of lower-risk ones, simplifies that to average-risk cash flow plus whatever collective or average growth happens to be at the moment.

Don't Grandparents Invest?

Next generation theory assumes that each generation invests all its capital of both factors in the next within the generation length. We expect it to do the same in turn. We care about grandoffspring too, but serve them best by trusting and enabling their parents only.

A first reaction is that this denies the obvious. Humans today, in advanced countries, normally live to nearly three times the generation length. (3 x 28.5 = 85.5). Even retirement at age 65 comes eight years after twice that length. And job number one

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for grandparents seems to be helping take care of grandchildren. Doesn't that falsify next generation theory?

Note quite. Retirement typically means dependence on savings or subsidy. The parental generation subsidizes both the young and the old. Retirees can be interpreted to some extent as hired though willing caregivers paid for by parents.

That explains part. The rest, I think, is best explained as replenishing a capital reserve. Nature builds up reserves in good times and depletes them in bad times. A rise in longevity from what is normally needed for lineage survival is a rise in human capital reserves. Human capital is the most versatile kind. We geezers have lost a step. But we remember how it's done. We particularly remember how parenting and homemaking are done, since those change least with technology. Julius Caesar's nanny, with a few pointers, could probably fill in as a nanny today. If the parental generation were pulled away to fight a war, or rebuild after a catastrophe, we oldsters could keep up the home front.

Free growth theory, abundantly proved in the data, is essential to next generation theory. What each generation invests in the next is all its fitness (total capital). All *ex post* growth, up or down, is added or subtracted for free. Catastrophes and windfalls are the random kind of free growth. Tech gain is the accumulating "secular" (of ages) kind. I wouldn't put it past nature to have learned that sustained growth means rising risk. She could adjust with reserves. We may be selected (a nicer word than programmed) to build human capital reserves intentionally, whether or not seeing nature's motives for the buildup as distinct from our own, when real wealth doubles with every generation.

That intentional or *ex ante* part would mean investment in the reserve. It isn't targeted to the grandoffspring generation, because they aren't expected to draw it down unless needed. All the rest of the buildup of human capital reserves in lifespan prolongation is best explained as random free growth if my interpretation holds

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water. Next generation theory is not contradicted because it describes cash flows only. It treats all growth at the collective scale as free and exogenous.

Testing Next Generation Theory

The proxies for the pure consumption rate (Schultz' pure consumption over total capital) in security markets would be dividend yield for equities, and interest for debt claims. Ibbotson Associates' SBII (2012), Chapter 4, shows average real interest on U.S. corporate bonds as 3.0% over the period 1926-2011. Real corporate dividend yield rate over the period can be estimated from the same source at about 2.9%. Jeremy Siegel's *Stocks for the Long Run* (2002), Table 1-2, reports data extending back to 1802. Real return over the period 1802 – 2001 is shown as averaging 3.5% for long-term governments, and 2.9% for short-term governments. Corporate bond returns would have run somewhat higher.

Global Financial Data shows stock market information for 95 countries. Data for U.K., U.S., Germany, Australia and France begin from 1701, 1801, 1870, 1883 and 1896 respectively. My charts and tables, and my website *Free Growth and Other Surprises*, show this information along with evidence for free growth.

The eighteenth century is represented by U.K. alone. U.K. then showed real price return, dividend yield and total return at 21.4%, 7.9% and 29.3%. Volatility of dividend yield was exceptional. From 1801 forward, U.K. averages for these flows were 2.2%, 4.2% and 6.4%. U.S. figures from 1801 forward were 2.9%, 5.3% and 8.3%. *Global Financial Data* also shows collective flows for Europe and the world since 1926. Here the figures were 3.3%, 3.9% and 7.3% for Europe, and 3.5%, 3.8% and 7.3% for the world.

Modeling of the pure consumption rate before the emergence of security markets could refer to the history of interest rates alone. Interest is rate of return to senior claims. Rate of return to any claim is realization by investors net of all expense.

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Investors as to interest means lenders, not borrowers. Interest rates published historically are rates borrowers are contracted to pay. Interest rates realized by lenders are less for two reasons. There are friction costs of due diligence, contracting and collection. Default costs, slight when times are good, can be catastrophic when times are bad.

Homer and Sylla describe normal contracted rates, not realized rates net of those costs, as 10% – 40% in Sumer and Babylonia, 6% – 18% in ancient Greece, 5% – 24% in Egypt, and 4% – 12+% in Rome and the Byzantine Empire.[4] After higher rates in the dark ages, European mortgages and commercial loans found the range 7% – 25% in the thirteenth and fourteenth centuries.[5] The range settled down to 4% – 14% in the sixteenth century,[6] and to 3% – 10% by the seventeenth and eighteenth[7]. The authors comment:[8] "…interest rates declined during much of the later Middle Ages and Renaissance. The earliest short-term rates quoted were somewhat higher than the last and highest of the western Roman Legal limits. They were not too different from early Greek rates and were within the range of Babylonian rates… The later Renaissance rates were well within the range of modern rates and the lowest were far below modern rates in periods of credit stringency." Merchants of Venice in Shakespeare's time and long before borrowed from banks, not from Shylocks, and at rather lower cost than merchants of the twentieth century.

Economics and Biology

Bioeconomics has meant economics informed by biology. I argued that this describes much or all of classical economics from Petty through Mill, then lapsed when the marginalists preferred to do without any explanations or justifications of tastes, and revived a century later to explore Hamilton's rule.

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[4] *A History of Interest Rates*, Rutgers, 1996, Table 4.
[5] Ibid. Tables 6 and 7.
[6] Ibid. Table 9.
[7] Ibid. Tables 10 and 14.
[8] Ibid. Chapter 10.

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I too reason from biological axioms, and from much the same ones implicit or explicit in the classical period. But I end up framing ideas of biology in the language of economics rather than the opposite. I begin with

total capital = means of ends = means of replication = fitness,

where fitness is understood as a stock. The concomitant flow and rate would be output (creation of fitness/total capital) and return (ratio of the two).

Free growth theory gave the inference

optimum *ex ante* output = optimum controllable output
= exact offset of pure consumption, at the collective scale.

Next generation theory specified the period of this exhaust and recovery as the generation length.

Consider Hamilton's rule in this context. All *ex ante* output, continuing steadily at the generation rate, must be invested concurrently in the next generation or stored for later investment within the deadline. It is the problem of Brewster's millions. Adults must invest or store as efficiently as practical (the maximand rule) before the output means has slipped by. And the more stored instead, the more pressure to invest later within the deadline. Time left for investment is another of the practical constraints on maximization of rb/c.

What I sense is a watering down of Hamilton's rule from what seemed logical compulsion a few decades ago to something more like a target of opportunity. A prediction maximizing rb/c has proved its value as a useful rule of thumb. I suggested why some nepotism might be more adaptive than none in my review of the Hamilton-Zuk parasite theory. It's about giving all genes a fair but speedy trial.

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The quarterback gets three downs, and the batter three strikes, before they go back to the bench. Some nepotism directs healthier mothers to invest in more and healthier offspring, and sicker ones conversely, long enough to demonstrate which is really which. Males passing the test carry the signs to prove it. Females choose them to spread the antidote gene to the whole population. Losing genes and losing parasites retreat until their time comes again.

Summary

This chapter trades my wannabe economist hat for my wannabe biologist one. Herbert Spencer called those fields the same at bottom. I never read Spencer, and know him mostly from Bertrand Russell's books on the history of philosophy. Spencer rates a subchapter there. Yet he was an autodidact with less training in either field than mine. He even had less training in philosophy than mine. He was a philosopher all the same, by Russell's tough standards, and knew that logic comes first. Data eventually prove their worth when it's time to test. The data I've found fits net generation theory more or less. What I really have on, all the while, is my wannabe philosopher hat.

Popperians make no sense. Are we supposed to find that a rose is *not* a rose? Or that all reasoning from definition is as transparent as that example? Wiles' proof of Fermat's last theorem ended a search that took some pretty bright minds three centuries. My best guess would be that Popperians confuse the concepts of logic and question-begging. They are opposite. Logic (reasoning from definition) means taking out no more than you put in. Truism or tautology usually means obvious examples of the same, but sometimes includes subtle ones too. Question-begging means taking out what you never put in[9].

[9] Circularity is question-begging which claims to take out as inference what it put in as assumption. Assumption that Socrates is a man and that all men are mortal does not confirm that Socrates is a man. It confirms that Socrates is mortal if assumptions are sound.

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Spencer's "survival of the fittest' doctrine would be a truism if we could prove the theory of natural causality. We can't by any means known to me. Science takes it as a working assumption. So did Hume, and so do I. If God intervenes only a little, so that laws of nature comes close to reality most of the time, we're still in business.

My critique of Hamilton's rule proposed that nepotism meets resistance when it conflicts with nepotistic goals of others. I proposed a modus vivendi through agonistic rules. Hamilton's parasite theory with Zuk, written 18 years later, gives the game plan.

Nepotism, meaning kin selection through Hamilton's rule, is in the common interest to a point. It speeds up proof of best genes to beat the current parasites by testing female genes as well as male ones. Healthier mothers and sisters and aunts carry more fitness to invest in more young. And females in most K-selected species, including humans, perform most care of the offspring and siblings and nepotes (nephews and nieces) that receive it[10]. Male competition alone does not determine best current genes to nature's satisfaction. Female breeding competition and nepotistic investment help prove them farther.

All agonistic rules are about keeping the contest fair and deciding when proof is enough. Long-term success against future as well as current parasites needs most losers, not all, to go to the bench (low frequencies; source demes in my version) rather than to extinction. Most losers survived to enter the contest because they

[10] The burden is about 50-50 in pair-bonding birds. Fathers look to be the only caregivers in territorial fish such as sticklebacks.

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were winners once before. Their cost on the bench, or on the taxi squad, is good insurance.

My version of Hamilton's parasite theory patched in some of Trivers' ideas. One was that mothers intuiting self-health and good prospects should tend to breed higher primary sex ratios and conversely. Their male offspring can then find willing mates if health carries reliable signs as Hamilton proposed. Also the investment of insurance cost by winners in maintaining losers on the bench can be interpreted as Trivers' reciprocal altruism to be recovered when winners now become losers later.

My discussion of grandparental investment let still more worms out of the can. It is clear that humans in advanced economies today normally live to nearly three generation lengths. I proposed that we are replenishing a total capital reserve, meaning mainly a human capital one, when recovering from hard times in the world wars and world depression. No one really knows.

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CHAPTER 8: BANKS, MONEY AND MACROECONOMICS

Splitting up Banks

I started to write a book on banks and money a year ago. I stopped when I realized that I don't know enough about the subject. I have some experience and have done some reading in those fields, but not enough to justify a whole book. A chapter, or part of a chapter, is more like it.

Sumerian temples doubled as banks, mostly for agricultural loans to finance the next crop. It is from their records, in clay tablets, that we know they understood compound interest and the capitalization formula.

Deposit-and-lend banks as we know them today emerged in Venice and other European cities in the twelfth and thirteenth centuries. Chapter 1 said that equity investors cannot be attracted at leverage (deposit/equity) of less than 10:1, that even one tenth so much leverage is unstable in high winds, and that we rebuild the banking system after every systemic failure because we blamed the high winds rather than the rickety structure.

I said that the solution is to split up banks as we know them into deposit banks which invest in ETFs on the one side, and lending banks which raise funds from investors rather than depositors on the other. These entities would have separate stockholders, and would not interact unless incidentally.

A different kind of bank split-up has been urged since the 2008 crash. Repeal of the Glass-Steagle act had allowed commercial (deposit-and-lend) banks to operate as investment banks (brokerage firms). Many blamed the crash on that repeal, and on investment bank innovations such as mortgage-backed securities. I think those critics are looking in the wrong direction. The problem, as with most bank crashes over the centuries, was overleverage encouraged by nearly costless deposits. The solution is not to peel off brokerage operations from the mix, but to peel off deposits.

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I see no reason why lending banks should be separate from investment banks. Rather the depositors' money should not be risked in either.

It is also a mistake to blame Wall Street chicanery. Chicanery is a fact of life, and Wall Street has more than its share. But I can testify, from a ringside seat, that many sound financiers and first-rate economists genuinely believed in the sub-prime derivatives they were selling. They were proposed to the trusts I run. I turned them down as a business proposition because I saw too much complexity and no upside. But my read was that the presenters were sold themselves.

The problem is not in the people. It is in the inherent fragility of deposit-and-lend banks. Then what would the world be like without them? The answer first needs a closer look at the problem.

Credit Risk is More than Leverage

Some leverage is a good thing. Firms issue bonds as well as stocks in order to attract a wider range of investors. Risk-averse investors may choose the safety of bonds, whose interest claims are paid first, while risk tolerant ones may be happy with the iffier but more promising equity remainder. Leverage in general is a way to satisfy both these constituencies.

Credit risk rises with term (duration) as well as amount of debt. One of the most telling points in Siegel's *Stocks for the Long Run* is that corporate bonds of 15 years or more have proved more volatile in real total return than equities have. No wonder. A corporate bond will have ample debt coverage (gross profit/debt service) at date of issuance, and an appropriate credit rating. What will both be fifteen years from now?

Homeowners also typically borrow long-term. They expect to have children in local schools, husbands and/or wives in local jobs, and other roots in the community. But

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who knows that husbands and wives will still be married in fifteen years? Who knows that if they are, their careers will not have taken them to another city?

It seems to me that reducing the dangers of debt means reducing both term and amount, and that the solution had better find ways that still accommodate the short-term and long-term needs of firms and people.

Now let's look at how deposit banks might invest.

The Omnibus Fund Idea

If I were a couple of decades younger, I would try to create something I call an omnibus fund. It starts by seeming to contradict what I just said. I said that firms issue both stocks and bonds to reach different constituencies. The omnibus fund would first erase that separation. In principle it would reconstruct the firm as a whole, or put the pieces back together again, by assembling proportionate shares of the debt and equity claims on it in a single portfolio.

Suppose for example that the market cap (number of shares times current market quotation) for a firm's equity shares is one billion dollars, while the market cap of all debt claims together in half that. Then the omnibus fund, in principle, would buy each firm's equities and debt instruments in that proportion at current market valuation. In practice it could realize the same effect in a simpler way.

The omnibus fund would be a balanced index fund. Index funds are representative of all the funds in an index, such as the S&P 500, weighted again to market cap. The omnibus fund would pick a still more inclusive index, say the Russell 3000 or even the Wilshire 5000. It would add in a corporate bond index, since balanced means mixing stocks and bonds, and cap weight the two. The object would be to model the publicly-traded corporate sector as a whole. The simplest way to get there would be to buy index ETFs (exchange traded funds) directly, rather than duplicating their work of assembling portfolios of the underlying individual issues.

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If it stopped at that point, the omnibus fund would probably attract few investors. It would offer the aggregate return and risk of the publicity-traded corporate sector as if it had never borrowed or issued debt. Aggregate means average. No one is exactly average. Some like me and my father happen to be more risk-tolerant, and opt for the higher returns that tend to come from higher risk. Some prefer the opposite. How can the omnibus fund attract both?

The answer is derivatives. Derivatives are obligations whose benefits depend on outcomes imperfectly foreseen. I said in the forward that I'm all in favor of them so long as we respect and manage the risks. Equities themselves are the classical example. Mortgage-backed securities give another. Common forms include futures and swaps. The idea is about the same. Each typically picks an index, often the S&P 500. One party, the "short leg", bets so much money, the "notional amount", that the S&P 500 index will go down tomorrow. Another party, the "long leg", bets it will go up. The short leg gets so much, say Libor plus 20 basis points (hundredths of a percent) of the notional amount, in any outcome. The long leg gets the index change, whether up or down, times the same notional amount.

No one actually invests the notional amount. It is called "notional" for good reason. Rather each side (leg) commits a cash reserve, held by the firm managing the swap or future, in this case the omnibus fund itself, of 20% of the notional amount. The reserve is drawn down to meet payments required when market swings are averse, and replenished when favorable. When it falls to 10% of the notional amount, it is considered unsafe and the swap or future ends prematurely. Parties are warned, and new reserves can be committed in time.

Monitoring of the reserve is continuous during market hours. Whenever the reserve falls to 10%, even in the middle of the day, the account is closed immediately. This discipline keeps the other party safe.

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Risk-averse clients in the omnibus fund can take short legs, and risk-tolerant ones long legs. Management of the omnibus fund can handle the mechanics of the swaps or futures.

The effect would be not less leverage per se, since leverage at the individual account level is substituted for leverage at the corporate level. The difference is duration. Swaps and futures are short-term commitments. Three months is typical. Futures trade in active markets, for good measure, and can usually be liquidated in seconds at current market during trading hours. So can ETFs themselves.

What do these derivatives cost? Essentially nothing. Those who prefer safety and the short leg are matched with those who prefer return and the long leg, while the manager charges only for its time in working the mechanics.

What About Asset Allocation?

Where the omnibus fund seems to violate common sense is in merging out what had seemed to be valuable distinctions. So it would seem with the blending of equity and debt claims, but for an optional overlay of derivatives such as futures to restore whatever risk and expected return we want. Many distinctions blended out, including that one, have been important to principles of asset allocation and modern portfolio theory. They are important because some investment sectors are less correlated than others, meaning less likely to risk and fall in lockstep. Low-correlation portfolios are better because less volatile as a whole without sacrifice of return. That's why hedge funds typically assemble portfolios judged low or negative in correlation, and then try to reduce correlation still further with an overlay of derivatives. The omnibus fund seems to throw away all these options.

Not really. One of the lessons of the 2008 crash is that everything but Treasuries tends to go down in high winds. Anti-correlation strategies failed when we most needed them. The omnibus fund isn't really giving up so much. Its exceptional diversity makes it begin with less correlation than specializing portfolios. And

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nothing would prevent a sophisticated investor in the omnibus fund from manipulating correlation further down with derivatives as hedge funds do.

Liquidity, Risk and Return

Demand deposits in banks today can be withdrawn at any time. Time deposits cannot be attracted without either competitive interest or quick liquidity. This liquidity requirement has been awkward in that bank deposits are usually reloaned for years. A run on the bank soon finds no cash left to meet withdrawals. The runs come when the high winds blow, and provide a *coup de grace* on top of high default rates.

The omnibus fund meets withdrawals easily because it is invested only in the most liquid securities. ETFs trade in seconds at current market quotations. Any mutual fund shares that might belong to the portfolio trade at current close.

Like most funds, the omnibus fund would also maintain cash. Like some others, it would "equitize" its cash by exposing it to swaps or futures. Equitized cash leaves a fund fully invested in effect, while adding instant liquidity around the clock. ETFs give instant liquidity, but only during trading hours. Mutual funds typically trade at market close only.

A risk-averse investor in the omnibus fund who opts for Libor plus so many basis points is more or less in the same position as a bank depositor today. She knows that her account will grow only by deposits and by interest (Libor plus basis points) left in to compound. She knows that it will decline only by withdrawals. The investor who prefers the long leg in swaps or futures, or stays unhedged, will also see her account rise and fall with the market. There are infinite graduations around these three simple choices. An account might be partly hedged and partly exposed, or even over-exposed to a notional amount larger than the account size where law and markets permit. (They usually do.)

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Payment Mediation

Banks effect payments from depositors' accounts. An omnibus fund can do the same. Payments out are directed "redemptions" in the language of brokerage accounts, or withdrawals in the language of bank accounts. Payments in are "subscriptions" to brokers and their clients, or deposits to bankers.

All these payments can be electronic. A payer, typically a customer, might swipe a card or click a screen. A payee, typically a vendor, typically must verify first that the account is authentic and covers the payment offered. An omnibus fund could be well suited to give this quick transparency.

First, it is essentially an index fund. It is composed of a published ratio of index ETFs and index mutual funds and index-equitized cash. Individual accounts are then hedged or exposed to index swaps or future overlays administered by the omnibus fund itself. The fund can track all these indexes online, and knows from tick to tick what each account is worth. This holds true even for volatile accounts where risk-tolerant clients have opted for long legs in swaps and futures. So long as management effects all payments in an out, and constructs each account of index exposures itself, and tracks those exposures and payments in real time, it knows account values exactly.

Risk-tolerant clients will expect daily ups and downs in account size. That means that they will have to carry larger accounts in order to be sure of covering payments in the downswings. That would be a problem if accounts yielded zero return, as checkable bank deposits do. The gist of my answer to Milton Friedman was that no amount of money is too much if it yields as much return as other assets of equal risk. Accounts are hedged or leveraged to do so. Omnibus fund accounts burn no holes in pockets. We do not own one to spend, like a checking account, and treat it as a drag on earnings until spent. We own it as a fully competitive investment, and spend it reluctantly when bills are presented.

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Why Invest in Indexes?

The last section showed that index funds offer easy trackability over market hours. What are the other pros and cons?

On sound microeconomic principle, professional asset management will add value over index results before deduction of fees. Otherwise they couldn't stay in business. The same principle says that the fees will converge to that pre-fee value added. Price converges to marginal utility (value). Investors bid fees up when fees are less, and down when they are more. As a rule of thumb, investors should expect to do equally well in managed or index accounts when fee costs are considered too.

The mechanics of convergence is worth a look. Managed and index funds compete in a kind of density-dependent flux like hawks and doves in game theory. It pays to be a hawk when the hawk/dove ratio is too low, and a dove when too high. When hawks have only hawks to fight, they will win only half the time. Fighting becomes a losing strategy when it risks more than winning stands to gain. More doves will mean easier contests.

So it is with asset managers. Index funds (doves) avoid commitment (fights) as to which firms and sectors will outperform. This neutrality saves the costs of research needed for commitment (fights). Asset managers (hawks) pay those costs, and recover them when outperformance results. That means outperforming the index. But if asset managers collectively managed the whole market, they would become the index. Some would outperform others, but the whole group cannot outperform itself. Then it could not recover its research costs. Many would have to close their doors, leaving the field to index funds which don't pay those costs, until market equilibrium was restored.

Then what determines equilibrium? Is the critical variable percent of trades by managed funds? I thought so for a while. Now I think it's percent of AUM (market value of assets under management). My reasoning now is that holds by portfolio

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managers reveal informed opinion on security values as clearly as trades do. Research cost is the same for both. If a manger neither buys nor sells, she tells us that she thinks the price is right. The critical variable is not trade volume, but percent of aggregate market cap controlled by asset managers collectively.

The number of asset managers is much less critical. There must be enough for competition within each specialty or sector of investment. Too many is not a concern. Abler ones, on microeconomic principle, will displace the less able. That's why Herbert Spencer taught that natural selection works the same in economics as in biology.

A particular reason for preferring index ETFs as omnibus fund investments is for cheaper liquidity. The omnibus fund must compete with banks in accommodating payments and other withdrawals (redemptions). Popular index ETFs such as spiders (SPDRs, for Standard and Poor's Depository Receipts) are bought and sold in seconds for a fee of a couple of basis points. So are Treasury ETFs. Thus the omnibus fund might do best not to include actual corporate bond ETFs in reintegrating the corporate sector. Treasuries of equal value should do about as well at much lower trading cost. Easy liquidity is essential.

Why Omnibus?

Omnibus means for everyone as well as of everything. It is all-inclusive either way. Individuals differ in risk tolerance. An omnibus fund provides for all. The portfolio of index exposures to riskier equity claims and safer debt claims is meant to satisfy average risk tolerance as a whole. Individual accounts then choose short-leg hedges or long-leg exposure or anything between. An omnibus portfolio best matches aggregate risk and return to individual claims on it.

Other approaches would work too. A broad-based *equity* index fund, targeting say the S&P 500 or Russell 3000, could give the same tick-to-tick transparency in individual accounts. Hedging would still be available to cater to individual risk

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appetites within the risk-tolerant groups. A broad-based *bond* index fund would do the same for the risk-averse.

It seems to me that the omnibus fund would do both jobs at once, and would attract more clients collectively. Bigger is better for payment processing. The more clients, the more "two-sided" payments from one client to another. These payments are always cheapest.

If accounts cost little or nothing to open, vendors would logically need no urging to open them. That again favors the simplicity and economy and immediacy of two-sided payments by including both buyers and sellers within the fund.

The omnibus fund is also for everyone as a investor as well as a payer. Very few people have the time or training to beat the market. I myself have not. What we have is a sense of our degree of risk-aversion. The omnibus fund gives the broadest and most flexible coverage of risk appetites. It can poll and advise clients on risk preferences, and mediate hedges and exposures to suit.

How the Omnibus Fund Might Evolve

I said that if I were a couple of decades younger, I would start an omnibus fund. Not to worry. If the idea holds water, as I think, someone else will.

It seems to me that banks could not offer much competition. Demand deposits typically pay no interest, and process payments no better. Omnibus clients offer an infinite range of returns according to client tolerance for risk.

Banks offer the advantage of federal deposit insurance (FDIC). It will not be enough. The omnibus fund carries no leverage, and needs no insurance. As it grows, banks will take notice. They can keep up the uneven fight, or they can join the parade. My working assumption is that many will prefer the latter. Banks are well positioned to make the most of the idea. They have the needed expertise and systems and

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clientele in place. They can spin off their lending operations as separate ventures to find funds from investors rather than depositors.

If there were no FDIC, there would be no deposits and no commercial banks. People can read the newspapers. Anyone old enough has lived through periodic bailouts. I'm a free market fan who dislikes FDIC. But we would be rash to yank the rug from under banks by repealing it. We shouldn't even hint that we might. The world we know is build around banks, and banks are built on FDIC. Let it stand. How can anyone know for sure that omnibus funds and independent lending banks will do better? I think omnibus funds figure to win despite that advantage for banks.

Lending Banks

This is the area least clear to me. Banks as we know them begin with expertise, systems and clientele in the loans business as well as the deposit and payment processing business. That could position them to take the lead in both if spun off separately. Lending can stand alone. There are many lending firms other than banks. They raise funds from investors seeking returns, rather than depositors seeking liquidity, and somehow mange to compete with banks today. Lending banks divorced from depositors could do whatever they do.

If interest rates must rise because investors demand competitive returns, some traditional borrowers will be motivated to attract equity investment instead. Corporations and other firms could phase out structural (long-term) debt, and float new stock issues in its place. The effect would be to lower leverage, risk and return together. Investors could then tailor risk and return more flexibly by hedging or leveraging their individual holdings through professional services.

If the same rise in interest rates makes it impractical for newlyweds to buy homes, they can rent until their means improve. In ten or fifteen years their incomes will double. They will know if they are still married, how much house they need if so, and where their careers have taken them. Meanwhile they might rent the same

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house they would have bought. They will not have missed a sure-fire investment. The crash of 2008 showed that houses are risky too. The time to commit to huge and illiquid investments, as houses are, is after ten or fifteen years of business experience.

I see no reason why lending banks should not make equity investments too. Loans, convertible loans and equity investments need the same "due diligence", or research into prospects of success and return. All might serve the same clients. "Lending banks" might simply be investment banks. That's why splitting of investment banks and commercial (deposit-and-lend) banks may be a step in the wrong direction. The key is splitting off deposits.

Macroeconomics in General

Splitting up commercial banks into omnibus funds and depositless lending banks could change the nature of macroeconomics. Macro has meant the art of maintaining growth and money value stability at the same time. This has proved mostly a tightrope walk between inflation and recession. Easy money risks the first, and tight money the second. My idea is to disconnect the problems of underemployment and money value instability. If medicine for one has no side effect on the other, each can be treated more freely.

I would first dissociate money value from money supply. No supply is too large if money earns competitive returns while we hold it. That was one of the main ideas of the omnibus fund. Milton Friedman thought my early version of this idea was anathema. Franco Modigliani liked it fine, but asked tough questions. I'll try to answer some of them below.

My approach to the problems of underemployment and the business cycle begins with phasing out deposit-and-lend banks as I described. I more or less agree with

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Ludwig von Mises and the Austrian school that slumps come from overinvestment enabled by overlending. In 1928[1], a year before the crash, Mises wrote:

> Sooner or later, the crisis must inevitably break out as the result of change in the conduct of the banks. The later the crack-up comes, the longer the period in which the calculation of the entrepreneurs is misguided by the issue of additional fiduciary media[2]. The greater this additional quantity of fiduciary money, the more factors of production have been firmly committed in the form of investments which appeared profitable only because of the artificially reduced interest rate and which prove to be unprofitable… Great losses are sustained as a result of misdirected capital investments. Many new structures remain unfinished. Others, already completed, close down operations. Still others are carried on because, after writing off losses which represent a waste of capital, operation of the existing structure pays at least something.

Here Mises, writing in 1928, describes the crash of 2008 even more vividly than the one in 1929. "Many new structures remain unfinished. Others, already completed, close down operations." These were mostly plant and office buildings in 1929, and mostly houses in 2008.

Mises argued that money should be backed by precious metals. He was right in thinking that it should be backed. But precious metals pay no return. The omnibus fund earns competitive return at the risk level chosen in each account. Accounts are owned for performance, and only incidentally for liquidity. No amount is so large as to tempt overspending.

It did not occur to Mises that divorcement of deposits from lending might prevent the cycle in the first place. Nor did he mention the danger of 10:1 bank leverage, and often more, in amplifying consequences of bad guesses. His idea was better governance of commercial banks. Mine is ending them.

Free growth theory also belongs to macroeconomics in that it predicts only at the collective scale. It predicts that *ex ante* net investment, or attempted investment

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[1] *Monetary Stabilization and Cyclical Policy*.

[2] Unbacked paper money. Also called government fiat money.

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beyond depreciation recovery, is simply less consumption with no growth to show for it. My charts and tables show that this has been true wherever and whenever tested, in eight economies over 40 to 140 years. We crowd our niches like other creatures, I think, and have no room for growth except as innovation widens the niche. The charts and tables seem to tell us that innovation costs no more in failure rates and learning curves that daily coping does.

Macroeconomics and Keynes

Macro emerged in the 1930s under the influence of Keynes. Simon Kuznets, the chief architect of the U.S. national accounts, was one of the five economists Keynes invited to proof the chapters of his *General Theory* as he wrote them[3]. National accounts were soon reorganized along Keynesian lines.

To read the *General Theory*, a beautiful work, one would think that counter opinions were led by his close friend Arthur Pigou. But Pigou was already in print with recommendations much like Keynes' when it was published in 1936. Opposition came rather from Mises, the other Austrians, Lionel Robbins and the Chicago school. They argued that intervention tends to make things worse. So do many economists today. Keynes believed in fiscal and monetary policy as I describe in Chapter 1. He favored fiscal policy.

Chapter 2 said that he made a basic distinction between investment producing new things and repurchase of things already produced. Only the first counted as real investment. The difference matters because only the first puts plant and people to work. Transfers neither add nor subtract value. Even so, my own language counts all as investment, and ranks investment only by return. I make no distinction among investment adding new plant and equipment, or investment in stocks and bonds already issued, or in existing structures, or even under the mattress.

[3] The others were Harrod, Sraffa, Joan Robinson and Ralph Hawtree.

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What matters is return. I don't have to specify "risk-adjusted" return so long as I describe the collective scale alone. Collective return is implicitly average-risk return. I prioritize it on the reasoning that optimizing employment of people and plant is implicit, and that optimizing means putting them to work most productively rather than over the most hours.

If policy maximizes rate of return, at the collective scale, it will maximize true output perforce. Return is output divided by total capital producing it. More return is more output per unit capital. Putting idle plant and people to work, in a slump, is a step in the right direction. But it doesn't get the job done unless they work productively. Even putting money under the mattress is better than investing at a loss. Zero return is better than negative return. I accept Keynes' distinction between new investment and transfer payments. But I see the latter as part of the mechanics that ends up in the former. Maximize return, and full employment will happen.

Keynes' opposition is now mostly the Chicago school and other "freshwater" schools bordering the Great Lakes and along inland rivers. Somehow the taste for Keynesian intervention resonated best in "saltwater" seaboard school such as Harvard, MIT, Stanford, and University of California. It is probably no coincidence that the saltwater states are the "blue" ones tending to vote Democrat, while the freshwater ones are the "red" ones favoring Republicans. (I call myself a free market Democrat, whether or not that's a contradiction in terms.) Freshwater views tend to oppose intervention, but accept Keynesian basic definitions and equations such as the $Y = I + C$ doctrine and the distinction between "attempted saving" and investment. It is these I question.

I don't think much of his view that intended saving (consumption foregone) becomes actual saving only if invested, and becomes an equal amount of physical capital growth if it is. Then (actual) net saving, net investment and physical capital growth would become synonymous. I said why I prefer a language where saving and investment are synonymous in the first place. What matters is rate of return.

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Investment (saving) under the mattress yields only the psychic value of liquidity. Actual capital growth depends on rate of return as much as amount invested. If return holds the same as it was before, growth and net *ex ante* investment will be equal. Growth will be less than consumption foregone (remembering the asterisks) if return drops, and more if return rises.

Keynes saw slumps as investment deficits. I see them as return deficits. Keynes assumed uncritically, I think, that new investment is the path out of slumps. Investment will come when prospects of return do.

Although the *General Theory* was published three years before Myrdal's *ex ante – ex post* distinction, Keynes would have realized the same thing. I think he made the understandable mistake of supposing that the difference would balance out as random noise. The charts and tables show otherwise. The optimum *ex ante* investment target is enough to offset realistic depreciation exactly.

Keynes was a great thinker, a lively writer and a decent man. I happen to endorse some of his policy ideas. So did my father. When I asked him what he thought of fiscal policy, I expected something like Hawtree's "crowding out" argument: government investment preempts and prevents private investment. I got a surprise. My father said "When people are out of work, that's the time to build a new post office." It is, if you need a new post office, because returns can be higher when contractors strapped for options bid construction cost down.

But it is no disrespect to point that the *General Theory* was published 80 years ago. I tend to support Keynes on some points, for example the usefulness of fiscal policy in relieving slumps, but to agree mostly with Mises on their causes in the first place. Where I differ from both is in the fundamental anatomy.

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Stabilizing Money Value

Modigliani's main critique was that money earning full competitive return, so that no amount was too much, would make monetary policy impossible in its usual forms. My best answer at the time was that full-return money ought to remove inflationary or deflationary pressures. But I agreed with him that money value might drift, even so, and that some control would be a safeguard if someone could think of a way.

The best that occurs to me is continuous revaluation of the dollar. Legal tender laws specify dollars, or other currency in other countries, as the default means of payment recognized in satisfying money obligations. Laws could be changed to specify real dollars instead. Real means corrected for inflation or deflation.

This would have been impractical before the information age. The problem now seems less. Spendable money, called M1, now means currency plus checking accounts. Government publishes current inflation figures online. Omnibus accounts could adjust automatically. They might show values in nominal and real dollars both. Account value would not change. Correction for inflation would show fewer dollars worth more each. Correction for deflation would show the opposite.

Currency itself cannot adjust so elegantly. It would remain legal tender, but not necessarily at face value. Currency would impose a translation cost on its spenders and receivers. Say for example that the change in legal tender laws was effective as of January 1, 2020. The real value of the dollar, whether accounts or currency, would mean its value of that baseline. Nominal value would be that plus inflation since. Calculators or iPads could keep track of the conversion rate. The cost and nuisance of this conversion should be manageable. But it would probably reduce demand for currency where cards or the equivalent do as well. The benefit is in encouraging long-term contracts and saving "menu change costs." That means costs of changing prices. There is no need to change them on account of inflation if prices are specified in real rather than nominal dollars.

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Price stability can matter. The United States has managed to avoid double-digit inflation since the Volker reforms of the 1980s. But the danger remains. Modigliani was right to worry.

A law making real dollars legal tender might prompt better measurements of inflation. Many economists agree that our official ones overstate inflation by allowing two little for quality improvements. A Lexus or Tesla is not a Model A. That was the theme of the Boskin Commission report to President Clinton in 1995. The Boskin panel argued that quality-corrected inflation has run about 1.1% less than the numbers posted in the consumer price index (CPI). I think so too. But making real dollars legal tender, even by these imperfect measures, could still give more confidence in long-term commitments than the status quo.

Speeding Up Fiscal Policy

Designating real rather than nominal dollars as legal tender would amount to an unfamiliar and more direct form of monetary policy. Meanwhile devolution of banks into their separate deposit and lending functions, along with emergence of omnibus funds, need put no constraints on fiscal policy.

Fiscal policy has prescribed tax cuts and government spending in slumps. It prescribes the opposite, at least in principle, in booms. A problem is that it has proved slow to implement. There is an "inside lag" while government diagnoses the problem and calls for a vote in the legislature. An "outside lag" follows until taxes come due and spending programs are put together and gradually put plant and people to work.

The inside lag is unavoidable in a democracy unless the executive branch, or an independent agency like the Fed, is given standing limited authority to diagnose early signs of unemployment, and to address them with tax cuts or spending. And there must be enough outside lag to make sure that the medicine has good prospects in rate of return. Return comes first.

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Tax cuts can be faster-acting than spending programs because they obviate the construction period. Freshwater economists argue plausibly that they are likely to prove ineffective. They foresee "rational expectations" of taxpayers as predicting eventual restoration of the taxes when full employment resumes. This gives a motive to save the tax cut rather than spend it as intended. I see it a little differently. Most consumption is maintenance or investment to keep up human capital. We will need that earning power when taxes are restored.

Say's Law

Jean Baptiste Say, in writings I haven't read, argued two centuries ago that supply creates its own demand. The logic is sound to a point. The claims on output simplify to pay plus profit. The asterisks don't matter here. Thus pay plus profit is always enough to clear that market. There could be "partial gluts" when we produced too much of one thing and not enough of another, but never a "general glut" where production got ahead of our means to pay for it.

All too true. Consumption plus investment equals pay plus profit. But the sad fact is that profit can be negative. Deadweight loss happens. When it happens, at the collective scale, even pay claims may be left unsatisfied. Say's law gives no comfort except where outcomes are as expected.

Tax Considerations

Schultz in 1962 argued that educational (human) capital is overtaxed. What he wrote was: "The established tax treatment takes account of both depreciation and obsolescence in the case of physical capital, but this accounting is not extended to human capital". He was right. Income tax is charged on net profit of firms and pay of workers. Pay measures gross realized work including human depreciation.

Tax laws now counter that imbalance by applying lower rates to pay as "earned income". If we could measure human depreciation, or model it with enough

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confidence, we would know how much correction was enough. That's a reason to take depreciation theory seriously.

Market-Valued Capital in Macroeconomics

Another reason why macro should be reconceived from scratch is that its defining equations, written mostly over half a century ago, leave out capital. Change in capital shows as net investment, but capital itself stays outside. Flows are considered sufficient for description.

Piketty, a good economic historian, tells us that this did not have to be. It seems that the largest economies had good records of market-valued capital since the late-middle nineteenth century. Piketty does not speculate why macro and national accounts ignored them when both took form in the 1920s and 1930s.

Physical capital and its changes can be measured at market or calculated by the perpetual inventory method used in balance sheets. I showed in Chapter 2 why that method is not the best. Depreciation accounting assumes norms in the loss of capital value with time, and gets the news of actual outcomes long after. National accounts reported positive real net investment, meaning growth in capital value, in 1929, 1930, 1937 and 2008. They give little clue to reality in years of surprise.

The neglect of market-valued capital in macro and the national accounts until 1990 or so may have to do with the influence of Keynes. The *General Theory* includes some hilarious broadsides on the fickleness of market speculators. He put more trust in the sober disciplines of accounting. Piketty trusts the market more, and so do I.

Then why does Piketty track new investment, or change in capital, by the accounting methods used in national accounts? That seems inconsistent. My charts and tables track it at market. It seems to me that national accounts should track it both ways,

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and let each economist decide which version is more useful. Mine, at least, correctly describes those same four years as losing ones.

National Accounts Overall

It seems to me that national accounts are doing nothing wrong except in modeling the depreciation curve from misleading sales evidence. Evidence seems to show depreciation as fast at first, and slower later. That tends to be true when depreciable assets are actually sold. Structures tend to be customized for their original owners and occupants. They tend to be resold when results are disappointing. This disappointment often comes when expectations are first tested. When distressed sellers market illiquid structures customized for themselves, prices too will be disappointing.

Better to trust evidence of structures intended in the first place to pass from owner to owner, as with many standardized rather than customized apartment and office and warehouse buildings. Better still, from an economist's viewpoint if not an accountant's, is to trust logic. Capital is present value of expected cash flow. Its loss of value with time, under simplifying assumptions, is the present value of the most distant and most discounted cash flow. Depreciation of structures we keep, rather than sell, is least at first and greatest at the end. It is the same as with a level-payment mortgage.

National accounts are nonetheless a magnificent achievement. They need interpretation just as corporate accounts do. That's where economics comes in. And national accounts are not resting on past practices. They can be congratulated on including market valued capital, even if sixty years too late, and on extrapolating it backward where practical. This book could scarcely have been written if they hadn't. I would recommend the obvious next step. Net investment should be shown alternatively as change in market-valued, and output as that plus consumption. Let economists decide which version is good for what.

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National Wealth Including Human Capital

By definition, pure consumption rate is pure consumption divided by total capital. This can be arranged as

$$\text{total capital} = \frac{\text{pure consumption}}{\text{pure consumption rate}} . \tag{8.1}$$

Next generation theory modeled the pure consumption rate as 3.5% per year. Historical data showed dividend and interest rates as more or less in this region since Sumerian times. I model pure consumption as about three fourths of all consumption. I take consumption as personal consumption expenditure (PCE) plus government consumption expenditure (GCE) per the national accounts.

GCE includes government outlays, at all levels of government, on education and welfare. These are easily recognized as consumption. It also includes costs of law enforcement, national defense, fire control, and maintenance of infrastructure such as highways and water systems and government buildings. These too count as consumption, even if we mightn't have thought so. They are part of the cost of our survival. That's why I agree with Kuznets and tradition, although I didn't always, that consumption includes all of GCE.

PCE in 2015 shows as $12.429 trillion. GCE is reported at $2.5855 trillion. Both are in 2015 dollars. their sum is $15.0145 trillion. Three fourths of that is $11.2609 trillion. Then (8.1) gives

$$\text{total capital} = \frac{\text{pure consumption}}{\text{pure consumption rate}} = \frac{\$11.2609}{.035/\text{year}} = \$321.74 \text{ trillion},$$

in 2015 dollars. This rough estimate can be borne in mind when we evaluate the tax base and the risk of national debt. U.S. public and private debt together has been

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estimated at a little less than a fourth of this sum. My impression is that this exposure is not yet dangerous. But it needs watching.

The best method to estimate aggregate adult human capital separately is Petty's. It is present value of future human cash flow. That means pay less invested consumption. If I am right, meaning that Farr, Marshall and Kiker are wrong, invested consumption is negligible among adults. Then Petty was right to capitalize pay with no deduction. And he was right to capitalize aggregate current pay, with no need to model the future. Growth of pay will tend to match growth of human capital. The discount rate to find its present value is expected rated of return. Rate of return is growth rate plus cash flow rate. Evaluating human capital as constant current pay discounted by cash flow rate alone will give the same answer as if we modeled in expected pay growth, but then discounted at cash flow rate plus the same projected growth rate.

Total human capital is adult capital plus that of the young. That part might be measured at current cost. I won't attempt either of those calculations here, since they seem to call for economists expert in interpreting national accounts.

To Do List

Books and papers on economics tend to lead to "policy prescriptions". That means recommendations on what governments and markets and educators should do. My list begins with getting rid of the double tax on dividends. To get democrats on board, make the effect revenue neutral by raising the corporate tax rate. Dividend rates have been far too low for about 50 years now. They should average 5% to 6% real, as they did in the nineteenth century. The result of low dividends has been dangerous overinvestment in the private sector, with growth hampered rather than enhanced. Charts and tables make it clear that *ex ante* investment beyond depreciation recovery is deadweight loss.

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I would tax capital gains as much as ordinary income for the same reason. Level the playing field. Solow saw most of the truth, but didn't go far enough. Mill saw more. And even Mill stopped short. All we have to do is look at the charts and tables. Capital accumulation does not exist. Any attempt lowers consumption with no growth to show for it.

Keep track of national wealth including human capital by my method here, and also by Petty's of 1664, 1676 and 1685. What would we think of corporate management that added up only the smaller part of corporate assets? We now consider physical capital only. Political parties debate what taxes and the national debt should be without the key facts.

Policy prescriptions can also aim at schools and what they teach. Macroeconomics should start over. It reached most of its present form in the "years of high theory", in the 1920s through 1950s, without the concepts of human capital or market-valued capital. It is founded on the inaccurate Y = C + I equation and the concomitant belief that output equals pay plus profit. It recognizes *ex ante – ex post* distinctions only crudely as to saving, by taking it as either invested or uninvested, and not at all as to investment itself. By missing the lag between market effects and book reaction, it misreads some of our worst years as our best and conversely.

The path forward is omnibus funds and devolution of commercial banks. Bank reform along the lines I suggested should need no help from lawmakers. But for gosh sakes, let's not set up barriers against it. Commercial banks and 10:1 leverage make slumps inevitable. Crashes are as sure as death and taxes until we phase them out.

Summary

Macro has meant a tightrope walk between the risks of inflation and recession. That doesn't have to be. The problems are detachable. Even today, It should be practical to redefine legal tender as real or inflation-corrected dollars. But the deeper

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solution is to devolve commercial banks into their separate deposit and lending functions, with separate stockholders and only incidental interaction.

It is best for the free market to do this alone. The omnibus fund could be the decisive innovation. It too is possible today. It would offer clients full competitive return, so that no supply would be too large. It would match bank deposits in liquidity and payment services with the low service charges typical of other index funds, while tailoring risk and return to client needs with essentially costless derivatives. The intention would be obsolescence of bank accounts, and devolution of banks in result.

Deposit-and-lend banks, inevitably leveraged at 10:1 or more, are the weak link explaining economic collapses about once a generation since the system was founded in the Renaissance. Misdeeds and misguesses and world events were only the proximate cause. Chicanery will be with us forever. Honest bad judgment will be with us forever. Supply shocks, as when OPEC raised oil prices in 1973, will be with us forever. Wars will be with us forever. Setbacks for our trading partners will be with us forever. These bring the high winds. I don't foresee much payout in trying to dial down the winds by upgrading human nature. The payout is in stabler structures.

The big bad wolf huffed and puffed, and the brick house stood. Omnibus funds will carry no leverage. Accounts themselves will be levered to taste, but for short periods only. Futures trade in seconds. The fund as a whole cannot become worthless until each and every security in its portfolio does. High winds and leverage can wipe out the accounts of risk-takers who chose the long leg, but not of those who opted for contractual interest and safety. That's as it should be. Risk-takers may name their poison. Omnibus means for all, and all-inclusive.

Derivatives are central to the omnibus fund idea. Some see them as dangerous. They can be. They are powerful. But they have a good track record of performing as contracted. Cash reserves, called margins, have proved enough to escape default

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even in 2008 and the flash crash of 2013. Short legs have been protected without fail, and long legs have got what they bargained for. The reason is that margin sufficiency is monitored from tick to tick. Checking every few seconds doesn't rule out every doomsday scenario, but gives about as much confidence as we're going to find in this uncertain world.

Saltwater and freshwater schools debate the wisdom of fiscal and monetary policy. But both sides frame their arguments in Keynesian language. I find it wanting. The idea that intended consumption is either invested or not, and realized in equal capital growth if it is, misses the essential mechanics. It measures employment of plant and people in hours rather than in production. This is a good reason why macro should start again from scratch. Another is to recast its basis equations in terms of market-valued capital as well as flows. Another is to accommodate human capital, for example by substituting the pay and Y rules for the doctrines that pay measures work and that output is investment plus consumption.

None of those good reasons refers to the possibility of omnibus funds. They are only a gleam in my eye. If they come to pass, and succeed as I imagine, macro will have still more novelty to digest. If they lead to devolution into separate deposit and lending banks, with the deposit banks operating as omnibus funds, good riddance to the 10:1 leverage that has brought down economies every generation or so since Marco Polo's time.

The lagged flow method of assessing efficacy of *ex ante* investment is outdated by the simultaneous rates one outlined in Chapter 4. It should go to honorable retirement whenever market-valued capital is available. It superimposes the inevitable unintended lag of accounts themselves, even under best practices, onto the intended one needed for the new tree planted to bear fruit. Both lags blur causality.

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Some famous economists are tougher on the current state of macro than I am. Recent books argue that it should no longer be taught, and should receive no Nobel prizes. My diagnosis is about the same. But my prescription is opposite. Reconceive it from scratch, and teach it right. Award Nobel prizes to those who help. My first nominees would be Piketty and Zucman. Not that I think much of Piketty's arguments. But his website with Zucman is as powerful a new resource for scholarship and the database as national accounts were eight decades ago.

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CHAPTER 9: SO WHAT'S NEW?

To claim originality in any field is rash. It is safer to say that some things in this book are new as far as I know. I know at least what I can't remember reading elsewhere. I am more confident in judging what will surprise in the sense of conflict with what is taught today. There we need only keep up with the current conversation. Judging originality with confidence means having read everything before.

My surprises were not all new, and my novelties (if such) where not all surprises. A few ideas met both descriptions. They pay rule, and the equally heretical Y rule, probably count as both although Becker came within a step of getting there first. Depreciation theory is likely to be both. Other possible candidates might include my observation that holds by money managers reveal prices as clearly as trades do, and my hawks-and-doves analogy inferring from this that index funds should outperform managed ones when aggregate AUM held by money managers, not trades by them, exceeds a critical percentage of the market to be determined. There may also be both surprise and novelty in my suggestion of monetary policy by establishment of real dollars as legal tender. In my wannabe biologist role, I just may have been first to the point out the gaffe in the math of Hamilton's rule.

Free growth theory takes Mill a little farther by ruling out growth by thrift at the collective scale. It should prove a major surprise to lawmakers, who incentivize thrift in the name of growth, and a milder one to economists already prepared by the insights of Solow. My possible originality here was in the simultaneous rates equations I derived to test them, and the test itself accessing data for market-valued capital as well as consumption from the Piketty-Zucman website. My definitions of market-valued net investment and net output, substituting for the book-valued versions used in national accounts, were essential for testing. I suppose these rank as novelties but not surprises.

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The advantage of the simultaneous rates test over the standard lagged flows one is great. It avoids both lags, meaning the intended one to allow more capital to show its effect in more output, and the unintended one in the inherent unresponsiveness of accounts to market effects on capital already booked, while also gaining from the superiority of market measures of capital growth over book ones even when lags end. The method itself is no surprise because the math is high school algebra. The shock is in what it reveals. Solow and Denison were righter than they knew. There is no such thing as capital accumulation at the collective scale.

Risk theory is probably both marginal novelty and marginal surprise. The part that might be new, although obvious in retrospect, is that assets take on the risk characteristics of their owners. We knew all along that people buy assets to fit their own risk profiles. There may be novelty in my idea that it works the same in the opposite direction. Assets once acquired are modified to fit those profiles better. A family home bought by a drug dealer might become a crack house bringing higher expected return at higher risk of confiscation by authorities.

The next step was to connect risk profiles with age and gender. It seems well established that risk tolerance peaks in the teens and twenties, particularly in males. It drops steadily afterward for both sexes. R. A. Fisher in 1930, and Bob Trivers in 1972, suggested why. Males, in humans, produce thousands of cheap sperm. Females produce eggs, which are few and expensive because they are packed with nutrients. Young males might end up leaving dozens of offspring or none. Nature arranges competition to determine which. Females are reasonably sure to leave a few. They have less to compete about. As both sexes get past their 20s, their remaining reproductive chances grow fewer and competitive ranking clearer. There is less to compete about. Risk tolerance grades steadily down with age, and capital owned reflects the change with lower risk and return. This gives the basic theme.

The next key information was that human capital is owned disproportionately by the young. We own little else until independence at age 20 or so. Physical capital

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builds from then on, and peaks near retirement. But human capital grows quickly in the 20s and thirties too, as most human and other depreciation is concentrated toward the end. These are persuasive reasons to think that human capital is the riskier and higher-return factor overall.

The argument becomes complicated in that most investment in us before independence comes from parents rather than from self-invested work. Parents have a a strong say in what risks children run, so that parental risk tolerance governs too. But it governs most in pre-teen years, when parents themselves are passing through their own risk tolerance peaks. And human capital is probably the most versatile of assets in adjustment to our tastes for risk at the time. Cops can become robbers at will, and robbers can get religion.

We should not slip into the error of concluding that an individual's human capital is riskier than her physical capital at the same time. Both adjust to her current risk profile alike. That's why the parable of the boss and her secretary falsifies the notion that pay compensates realized work and nothing else. That would make return of each in her human capital a little over 100% per day at the start of the last day, and 100% per second at the start of the last second, even while their security portfolios reveal their time preference rates as a few percent per year. Human capital is not inherently risker, as hand grenades than nerf balls. Each cohort adapts all its wealth of both factors, counting balanced security portfolios as single assets, to its single characteristic risk profile. There may be novelty, but not much surprise, in this projection of the owner onto the asset rather than conversely.

That parable helped confirm the pay rule and explain age-wage profiles. It brought another surprise along the way. I grew up being told that houses are safe investments. But in fact they are owned by about the same age group and gender mix that owns the business sector. The publicly traded corporate sector is a part of the business sector that has given up return for safety by providing instant liquidity to shareholders. The notion that houses are safe took a punch in the gut in 2008. The

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notion that they ever were rests pretty much on evidence bolstered by government subsidies such as FHA and FNMA and FMAC which began before I was born. As it is, I don't see enough evidence either way to assert whether houses or the publicly traded corporate sector, cap-weighting its stock and bonds, should be risker. But even that uncertainly is a surprise in view of what we all were taught.

Depreciation theory is one of my favorites. It doesn't upset the applecart as much as the pay rule does, because little economic theory depends on it. I love it because it reverses tradition precisely. National accounts model depreciation as declining exponentially. I model it as rising exponentially. It's the same equation with a plus sign in place of a minus sign. I love its obviousness once we think about it. It follows when we remember the present value rule. Once we do, evidence for both factors makes more sense. Depreciation theory rounds out the pay rule in explaining how pay can rise or hold steady to the very end. And we see the same in businesses. Gross realized profit, analogous to pay, does not tend to decline as firms approach a date with the wrecking ball. My impression has been that rents go down when properties aren't kept up or locations become unfashionable, but not with age in itself. When it's time to demolish and rebuild, premises are more typically vacated with trade still running at norms. Gross realized profit is inevitably all depreciation on the last day, and would approach zero steadily if tradition were right.

There may have been minor novelty in my derivation of my three fundamental theorems as at least subjective certitudes following from definitions, and in my idea itself of subjective as distinct from empirical certitude. A subjective certitude is one such that contrary evidence would falsify the convergence axioms. I have found little or no empirical certitude past the *cogito*. I concede that the idea of subjective certitude is impertinent. How dare we infer what people *must* think?

We dare when we infer from definitions. I began with the somewhat unusual definition of capital (value) as perceived means of foreseen taste satisfactions. The usual "means of production" is equally valid, but less suited to my purpose here. I

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then pictured a future instant's worth of expected satisfaction. Its perceived value at that future moment would give its perceived value now save for differences explained by the time gap between. I adopted the old terms time preference or time discount rate to account for whatever they might be. There was no assumption as to whether the rate should prove positive or negative or zero, nor that the same rate should apply to other future instants. My goal was to leave not even the farthest-fetched of loopholes. If I have succeeded, the present value rule followed as subjective certitude giving exact expectations, though not outcomes, for each future instant and thus for all together. Note that my depreciation theory follows, but with the caveat that the version I have shown adds the usual assumption that time preference is positive. That part is not certitude, although neither are we likely to doubt it.

It was not hard to derive the maximand rule as the next step. Once we define tastes or more generally aims as whatever behavior reveals, the rest follows quickly. (Remember that I have no problem with mutually circular definitions.)

There were probably a few heuristic novelties. The parable of the boss and her secretary might itself be new. So might the slave paradox with its parable of Phil and Bill. Many including Adam Smith have pointed out economic inefficiencies in slavery, moral criticism aside. I can't recall mention of this most obvious one. Bill's maintenance consumption was taste-satisfying cash flow to Bill, and capitalized in his present value to himself. It is pure expense to Phil once Bill is enslaved. If all but one of us were enslaved by the one left, national output would drop by substantially all maintenance consumption on the books of the one slaveowner.

There may also be minor novelty in my analogy between accounting for the firm and accounting for human capital in Chapter 6. One possible example is my use of the term "decapitalization" to include depletion and liquidation in sale as well as depreciation. It simplifies to depreciation in the case of human capital because that factor cannot be alienated in reinvestment or gift or sale. One inference was that

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deadweight loss, negative output, negative realized output and unrecovered decapitalization all mean the same. This is obvious enough, but may have been left implicit before.

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CHAPTER 10: THREE PANTHEONS

A few weeks ago I was being interviewed about my opera "Usher House". How would I like to be remembered? With a straight face, I said I would like to be thought the best composer since Mahler, the best poet since Masefield, and the best economist since John Stuart Mill. The interviewer looked startled. Was she talking instead to the successor of Don Quixote, Emperor Norton and Walter Mitty?

Probably. But not to worry. Fantasies are good things. They don't become delusions until we start believing them. What I believe is that at least dozens of composers have the knack. There must be hundreds, considering the terrific film scores attributed to names new to me when I hang on for the credits. Each of us, very much including film composers, gives the world what we think it needs. We like to be appreciated, but we don't give a fig what it wants. We won't always agree on what it needs. We'll defend to the death the other guy's right to his message. But we prefer our own. That's what my answer meant. We're each the best. But I do have the temerity to limit the list to those few dozens or hundreds.

Someone might also be surprised at my choice of benchmarks in verse and economics. Masefield and Mill? A consensus might have picked T. S. Elliot, say, and Lord Keynes. Masefield and Mill are likelier to be remembered as old-fashioned fuddy-duddies already outmoded when they wrote. But that's me. I *am* Don Quixote. Not a single idol in my pantheons in those three fields was born after 1900, although that could change in economics.

My pantheon in music is Bach, Beethoven, Schubert, Wagner and Mahler. Mahler, the last-born, died in 1911 at 51. What about Mozart? Clearly colossal. Listen to the slow movements of almost any of his piano concertos. Childlike simplicity, then a slight surprise, then another, and all at once we are on a trip through the stars. But my top five show us more. Mozart is too darned enigmatic. He is too darned coy. He is too darned third-personal. And I *like* breaking a sweat. Mozart is uniquely the

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greatest at what he does within the bounds he chooses to set. But I like answers as well as questions. The five in my pantheon give me those.

Mozart is unrivalled at what he does because no one else plays the same game. What other composer has put such a premium on delicacy, on poise, on self-effacement? That doesn't deny that he was a red-blooded *mensch* who loved hijinks and good times as much as the rest of us. His *Rondo alla Turca* is one of many masterpieces showing that side. But it only rounds out the impression of a flawless dinner companion. A maxim of classicism in the Greek spirit is "nothing in excess". Mozart's exuberance and hijinks were just the right amount.

He was the master of moderation. His operas put passion mostly in the mouths of clowns and villains such as Papageno and Osmin and Queen of the Night. His sympathetic sorts have feelings too, but keep them circumspect. The perfect companion cares first about our feelings, not his. Mozart remains that even on our journeys together through the stars. We are kept safely away from the heat. We are allowed to feel anxiety because the world is so far below. That was half the point of the trip. The other half is the happy ending as he leads us safely home. Anxiety, but not in excess.

That shows him as the master of levitation. Richard Strauss gives the example of Susanna's aria "*Voi che sapete*" (you who know) from *Figaro*, an innocent ditty which somehow never lands on the tonic (home note) until the end. The beginning of *Eine Kleine Nachtmusik* (a little night music) does this again. But the slow movements of his piano concertos show it best.

Mozart is not my pantheon, even so. He is moderation in excess. I like the game the others all play. I like a sense of the first person singular. The five in my pantheon also take us through the stars. But they take us closer. We feel the heat because they do. Listen to Bach's *chaconne* for solo violin, or *passacaglia and fugue* for organ. Listen to the *heilige dankgesang* (holy song of thanksgiving) from Beethoven's

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quartet opus 132. Listen to the slow movement of Schubert's two-cello quintet opus 163. Listen to Wagner's *liebestod* (love death) from *Tristan*, or Mahler's adagietto from his fifth symphony. This music plays for keeps.

The polar opposite to Mozart would be Verdi. Like Mozart, he is not in my pantheon but close. For Verdi, no passion is too much. He is the master of contrast. He shakes our emotions back and forth as a dog shakes a rat. Lull and storm are each given enough time to pack the most punch in the other. He wants only opposites and extremes. What would the fastidious Franz Joseph have thought? He would have called the guard.

Somewhere between Apollo and Dionysus, between relativism and frenzy, lies the true path. The five in my pantheon have found it.

I seldom call myself a poet, since that's already a tad vainglorious. For better or verse, I'm a Jack of that trade too. The true poets in my pantheon begin with Keats and Masefield. I haven't found a clear choice for third. There are awesome things in Milton, Blake, Coleridge, Tennyson, Emily, Houseman, Robinson, Dowson, Yeats and others.

Shakespeare, like Mozart, doesn't figure in the center of the picture. I take him as the greatest mind and soul yet known, the greatest playwright, the greatest writer in general, and all of these because he taps to the bottom of what poetry can be. "Who is this whose grief/ Conjures the wandering stars, and makes them stand/ Like wonder-wounded hearers? It is I, /Hamlet the Dane". Holy mackerel! But these are touches in his plays. Poetry, in his time, meant something too coiffed and pretty and mannered for my taste. You can take Venus and Adonis, the Rape of Lucrece, and the sonnets. That includes the petulant dark lady sonnets, which break the model of preciousness but find nothing better. Shakespeare simply came along too early. I credit Milton, in "Lycidas", for discovering the true vein a few decades later.

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That leaves economics. Here I really have a one-man pantheon in Sir William Petty. I suppose that I am the only person to have looked at his portrait alongside Isaac Newton's, in the Royal Society which they co-founded, and seen the two as intellectual equals. Mill seems a clear second, thanks to his superb paragraph on growth. The candidates for third seem well behind. Maybe Jevons or John Rae or Leon Walras. Time has not been kind to the teachings of Keynes. I would now rank his teacher Alfred Marshall higher. I like Myrdal's magnificent *ex ante – ex post* distinction. Boehm Bawerk and the Austrian school are underrated. The pantheon might have room for him.

Am I being too tough on later economists? We should not forget Schultz and Ben-Porath. Schultz' greatest achievement, unless Mincer beat him, was in spotlighting human depreciation. That left me to ask where this huge flow goes. The answer becomes inescapable once we focus on the question. It gives the obvious solution to the age-wage problem. Everything in this book is obvious. Some of it, like that solution, is the obvious but unnoticed.

Somebody, sooner or later, breaks the news about the emperor's new clothes. You'd think Don Quixote would be the last to pipe up. No one in the world was more devoted to tradition and beautiful creatures of the mind. But it takes a fool. He was that, and so am I. *Der reine tor*. There have to be a few of us always. We'll get a few windmills before they they get us.

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APPENDIX A: The Argument in Notation

Output and Cash Flow

My focus will be on absolute rather than per capita values. The usual custom gives capital letters for the former and lower-case ones for the latter. I will prefer the upper case for stocks and flows, and the lower one for rates. That need not hold true for Greek letters.

The total return truism can be notated

$$Y = \dot{K}_T + F\,, \tag{A1.1}$$

where Y is output, K_T is total capital and F is cash flow. Also

$$F = \tau + C_p \quad \text{and} \quad \tau = \tau_+ - \tau_-\,, \tag{A1.2}$$

where τ (*tau*) is net transfer, τ_+ is transfer out, τ_- is transfer in and C_p is pure consumption (exhaust in taste satisfaction). Cash flow is the net of positive less negative components. I define them by

$$F_+ = \tau_+ + C_p\,, \quad F_- = \tau_- \quad \text{and} \quad F = F_+ - F_-\,. \tag{A1.2a}$$

At the collective scale, where transfers cancel internally, these equations combine for

$$Y = \dot{K}_T + C_p \quad \text{and} \quad F = F_+ = C_p\,. \tag{A1.3}$$

Math reminds us continually that "equals" does not necessarily mean "is". (A1.1) and (A1.3), for example, do not mean that output *is* growth plus cash flow or growth plus

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pure consumption. Why? Output in itself means creation of economic value. Mathematically, that could include what I called "output exhaust", meaning value exhausted as soon as created. I ruled that out as "free goods", which happen every day but are neglected in economics as unable to influence behavior either before or after. That's why "equals" cannot mean "is" in (A1.3). And neither does it in (A1.5). Rather both state that output provides cash flow *offset* plus total capital growth.

This distinction helps everywhere in economics. We know for example that transfer out may be drawn either from capital in place or from concurrent output. The source of first kind is decaptialization D. But decaptialization also includes other components than transfer out. In Chapter 3, and again just now, I excluded output exhaust as free goods possible in math but neglected in economics. That makes decapitalization D the only source of pure consumption C_p. And not all decapitalization is transfer or exhaust. Some is deadweight loss, defined in (A1.1) as any negative sum of capital growth $\dot{K}_T$ and cash flow F. That can show in

$$D = D_\rho + D_\lambda \quad \text{and} \quad D_\rho = D_\tau + C_p. \tag{A1.4}$$

Here D_ρ is recovered or realized decapitalization, D_τ is "transfer depreciation" net of plowback into the same asset, and D_λ is deadweight loss. λ is *lambda*. At the collective scale, where transfers cancel internally, (A1.4) becomes

$$D_\rho = C_p. \tag{A1.4a}$$

The dispositions of transfer out may be reinvestment in other assets of the same owner, or may be gift to donees. Reinvestment can be interfactor as shown in Chapter 5. Transfer out from total capital of any individual, net of internal transfers,

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simplifies to gift. Transfer in gained by the owner's total capital, net of the same internal transfers, is gift received. The math becomes

$$\tau_+ = \gamma_+ , \quad \gamma = \gamma_+ - \gamma_- , \quad F_+ = \gamma_+ + C_p , \quad F_- = \gamma_- \quad \text{and} \quad F = \gamma + C_p \qquad \text{(A1.5)}$$

at the scale of each individual's total capital as a whole. Here γ (*gamma*) is net gift, γ_+ is gift and γ_- is gift received.

Divide (A1.1) by K_T to find

$$\frac{Y}{K_T} = \frac{\dot{K}_T}{K_T} + \frac{F}{K_T} \ . \qquad \text{(A1.6)}$$

Define these three terms as productivity or rate of return r, total capital growth rate g and cash flow rate f. Then (A1.6) can be reexpressed as

$$r = g + f \ . \qquad \text{(A1.6a)}$$

(A1.3) combines with (A1.6) to show

$$\frac{Y}{K_T} = \frac{\dot{K}_T}{K_T} + \frac{C_p}{K_T} \ , \quad \text{at the collective scale.} \qquad \text{(A1.7)}$$

Define "pure consumption rate" c_p as C_p / K_T, and substitute to show

$$r = g + c_p \ , \quad \text{at the collective scale.} \qquad \text{(A1.7a)}$$

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(A1.1), (A1.6), (A1.7) and (A1.8) are alternative statements of the total return truism.

In general, define $g(Q)=\dot{Q}/Q$ for any variable Q. Note again that g in this book means growth rate of capital $g(K_T)$ rather than output. g in macro tradition usually means growth of output $g(Y)$. Total capital K_T is the sum of human capital H and physical capital K. Their outputs respectively are work W and (net) profit P. Their counterparts to (A1.1) and (A1.6a) are

$$W=\dot{H}+F(H)\ ,\quad r(H)=g(H)+f(H)\ ,\quad P=\dot{K}+F(K)\quad \text{and}\quad r(K)=g(K)+f(K)\ ,\quad (A1.8)$$

where F(H), f(H), F(K) and f(K) are respectively "human cash flow", "human cash flow rate", "physical cash flow" and "physical cash flow rate".

Present Value and Present Cost

If there were no such thing as time preference, present and future value would be the same. All economists known to me concede that we prefer present goods to future ones, although some like Joseph Schumpter have seen no good reason why. I suggest a reason in next generation theory.

Present value theory, understood in essence by the Sumerians, considers what we now call future positive cash flows which are expected to be generated from external investments (transfer in, negative cash flow) made now or earlier. At the differential (infinitesimal) scale, we can write the associated future value as

$$dFV(z)=F_+(z)dz \qquad (2.1)$$

at future moment z. The basic idea of present value PV is

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$$dPV(x) = F_+(z)e^{-q(z-x)}dz\,, \tag{2.2}$$

where q is the appropriate time discount rate.

Note the implication

$$F_+(z)dz = dPV(x)e^{q(z-x)}, \tag{2.3}$$

showing that q is the growth rate that raises the value of $dPV(x)$ to $F_+(z)dz$ over period $z-x$. Since this differential component of asset value defers all positive cash flow until moment z, and cannot in itself be affected by later transfers in, q simplifies by (A1.6a) to rate of return. This was Boehm Bawerk's insight, although he was not mathematical, in equating time preference rate to rate of return r. Thus (2.2) and (2.3) give

$$dPV(x)dx = F_+(z)e^{-r(z-x)}dz \quad \text{and} \quad F_+(z)dz = dPV(x)e^{r(z-x)}, \tag{A2.4}$$

where r is the appropriate rate of return and time discount rate equivalently.

But what determines appropriate r in these equations? Rate of return varies with risk among different assets at the same time, and varies over time with economic circumstances. Most sources I have seen treat r in (A2.4) as a variable to be integrated over (x, z). I myself long believed the same.

My view now looks to the context. The asset as a whole will typically have received many differential investments before time x, and may receive many after. Each at inception will have been priced by the owner's time preference rate then. But my theme in risk theory is that assets can be traded or modified to the current owner's

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risk tolerance now. She discounts each expected future flow not by her foreseen time preference rate then, but by her time preference rate today. It seems to me that the appropriate discount rate r in (A2.4) is r(x). She will provide for anticipated changes in her time preference rate by factoring costs of trading the asset if tradeable, or modifying it if modifiable, into her evaluations of future value $F_+(z)dz$, and so from present value too. I consequently interpret (A2.4) to mean

$$dPV(x) = F_+(z)e^{-r(x)(z-x)}dz \quad \text{and} \quad F_+(z)dz = dPV(x)e^{r(x)(z-x)}. \tag{A2.5}$$

The value of the whole asset V(x) at time x will be the sum or integral of present values of all foreseen cash flows both negative and positive over (x, ω), where ω (*omega*) is the foreseen end point of flows. ω may be infinity ∞ . Thus

$$V(x) = PV(x) = \int_x^{\omega} F(z)e^{-r(x)(z-x)}dz, \quad x <= z <= \omega . \tag{A2.6}$$

The terms value and total capital are interchangeable, as are their notations V and K_T.

Present cost PC(x) evaluates V(x) as the sum or integral of earlier negative cash flows compounded at rate r since moment of investment u, and not yet decapitalized in positive cash flow. The counterpart to (A2.1) becomes

$$dIC(u) = F_-(u)du \quad \text{and} \quad dPC(x) = dV(x) = dPV(x) , \tag{A2.7}$$

where IC is what I call "investment cost". The counterparts to (A2.2) and (A2.3) are

$$dV(x) = F_-(u)e^{q(x-u)}du \quad \text{and} \quad F_-(u)du = dV(x)e^{-q(x-u)} . \tag{A2.8}$$

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q here equals some appropriate r by the same logic as before. Here again, we usually read interpretations of (A2.8) which treat the appropriate r as an integral of time preference or equivalently productivity rates over the interim (u,x). I however see dV(x) as determined by current rate r(x) whether derived by present cost or present value methods. If the original investor remains the current owner, and now finds her time preference rate different, she will have factored asset modification costs into her original decision to bid or invest. If not, she will have traded to someone whose time preference rate is better suited. My counterparts to (A2.1) and (A2.6) become

$$dV(x) = dPC(x) = F_(u)e^{r(x)(x-u)}dx \quad \text{and} \quad F_(u)du = dV(x)e^{-r(x)(x-u)} \qquad \text{(A2.9)}$$

and

$$V(x) = PC(x) = \int_0^x F(u)e^{r(x)(x-u)}du. \qquad \text{(A2.10)}$$

These equations seem the most straightforward reconciliation of the maximand rule, the convergence axioms and the evidence supporting risk theory. They describe individual assets over time, sometimes passing from one owner to another, rather than a given owner's total portfolio. We maximize return within current risk tolerance, recognize that it will change, and deduct present value of expected trading or asset modification costs from future value of flows while adding them to original value. This seems true to life. It allows discounting all expected positive flows over (x, z), and compounding all past negative ones over (0, x), at a single rate r(x) because of those adjustments to value or cost of flows. Tradition treats the flows as fixed givens, and the discount rate as a function of interim time between x and z or between 0 and x.

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My interpretation that the time discount rate/rate of return we naturally apply in evaluating both present cost and present value is our time preference rate now, rather than some retrospective or prospective average, might seem counterintuitive. I propose it, even so, as the "time discount rule".

Analogy to the Firm

I follow convention by treating all transfer out as compensated by actual or imputed revenue. The part exhausted in taste satisfaction gets imputed revenue paid by the consumer satisfied. Not all revenue compensates transfer out, as revenue is usually defined as sales proceeds against which prior outside claims must be satisfied first. These are typically for labor and supplies in the case of the firm. Chapter 6 gave the logic in word equations. It begins with

$$\rho - \rho_c = \rho_e \ , \qquad \text{(A3.1)}$$

where ρ is revenue, ρ_c is prior claims and ρ_e is "earned revenue" as a residual. Earned revenue, also called gross realized output, is thus remaining share of overall revenue earned by the firm or other entity that performed the sales, collected the proceeds, and paid the outside claims on them.

What the the firm or other contributor gives up to earn the earned revenue is the sum of its realized output Y_ρ and its recovered decapitalization D_ρ. Remember from (A1.4) that D_ρ includes any pure consumption realized by the owner of the source asset, although that could not apply where the owner is taken as a firm. The sum of Y_ρ and D_ρ gives its gross realized output. Then

$$Y_\rho \mathrm{gross} = \rho_e = \mathrm{Y}_\rho + \mathrm{D}_\rho \ , \qquad \text{(A3.2)}$$

where $\mathrm{Y}_\rho\mathrm{gross}$ is gross realized output. In Chapter 6, I also called $\mathrm{Y}_\rho\mathrm{gross}$ or ρ_e "gross positive cash flow". All mean the same. I will usually leave out the notation

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ρ_e from now on, and refer to gross realized output Y_ρ gross alone.

Positive cash flow is that less plowback from revenue. This can be notated

$$F_+ = Y_\rho \text{gross} - \rho_{pb} = Y_\rho + D_\rho - \rho_{pb} \ , \tag{A3.3}$$

where ρ_{pb} is plowback. Negative cash flow is transfer in, notated τ_-. Thus

$$F_- = \tau_- \text{ and } F = F_+ - F_- = Y_\rho + D_\rho - \rho_{pb} - \tau_- \ . \tag{A3.4}$$

Cash flow F is the difference

$$F = F_+ - F_- = Y_\rho + D_\rho - \rho_{pl} - \tau_- \ . \tag{A3.5}$$

Gross output is gross realized output plus unrealized (or proprietary or self-invested) output. This can show as

$$Y_{gross} = Y_\rho \text{gross} + Y_s = Y_\rho + D_\rho + Y_s \ . \tag{A3.6}$$

Think of the subscript s as meaning saved or self-invested. As all output is either realized or unrealized, we have

$$Y = Y_s + Y_\rho \ .$$

The terms saved, self-invested, unrealized and proprietary will be taken as interchangeable.

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(A3.6) combines with (A1.4) and (A1.5) to arrive at

$$\gamma_{+} = \mathrm{F}_{+} = \mathrm{Y}_{\rho}\mathrm{gross} - \rho_{\mathrm{pl}} \tag{A3.7}$$

at the scale of the total capital of the individual or any set of individuals. This fact will prove helpful in adjusting the Ben-Porath model and in next generation theory.

It should be borne in mind that transfer out and transfer in are both implicitly defined as net of plowback in the first place. Thus it would be wrong to suppose that negative cash flow is transfer in less plowback from revenue. That mistake would deduct plowback twice.

The Growth Truism

Growth of any asset of either factor is capitalization from outside plus capitalization from inside less decapitalization. This difference can also be called net capitalization. Capitalization from outside is simply transfer in τ_{-} . What are the other two?

Our first intuition would be that capitalization from inside is identical to unrealized output. Here we must be careful. Output is negative wherever the sum of growth (net capitalization) and cash flow falls below zero. This "deadweight loss" is implicitly uncovered decapitalization, meaning not recovered in cash flow. To subtract all including unrecovered decapitalization from the sum of transfer in and unrealized output would therefore subtract the unrecovered part twice.

To make this clear, define positive and negative output by

$$\mathrm{Y}(>0) = \max(\mathrm{Y},0) \quad \text{and} \quad Y(<0) = \max(-\mathrm{Y},0) = \lambda \ ,$$

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where λ (*lambda)* is deadweight loss. Meanwhile negative output belongs in the unrealized component of output Y_s as with all effects on net capitalization not explained by transfer in or plowback from revenue. It is the random negative component in free growth. Then define positive and negative output and realized output more fully by

$$Y_s(>0) = \max(Y_s, 0), \quad Y_s(<0) = \max(-Y_s, 0) = \lambda, \quad Y_s = Y_s(>0) - \lambda, \tag{A4.1}$$

and

$$Y(>0) = \max(Y, 0), \quad Y(<0) = \max(-Y, 0) = \lambda \quad \text{and} \quad Y = Y(>0) - \lambda\ . \tag{A4.2}$$

There is also indirect capitalization from inside in the form of plowback from revenue. The growth truism sums these inflows less outflows as

$$\dot{K}_T = \tau_- + Y_s(>0) + \rho_{pl} - D = \tau_- + Y_s + \rho_{pl} - D_\rho\ , \tag{A4.3}$$

recalling that D_ρ shows recovered (realized) decapitalization.

At the scale of the total capital of any individual or set of them, (A1.5) and (A4.3) give

$$\dot{K}_T = \gamma_- + Y_s + \rho_{pl} - C_p\ . \tag{A4.4}$$

Human Cash Flow

Although I can't recall seeing the term "human cash flow" in any papers or textbooks of others, tradition defines the flow discounted to human capital as pay less Schultz' "pure investment". The flow so discounted is implicitly cash flow. I rename pure investment "invested consumption," and write the traditional view as

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$$F_H = \pi - C_s \ , \qquad \text{(A5.1)}$$

where F_H is human cash flow, π (*pi*) is pay, and C_s is invested consumption. The subscript s, as usual, means saved or self-invested.

Pay π can be defined as the worker's literal or imputed revenue. Self-invested consumption C_s can be defined as any investment in human capital other than through self-invested work. This makes C_s all investment from outside in a sense. But that does not mean that it is limited to transfer in. There is also plowback from revenue (pay π), as when we spend pay on textbooks or tuition. I model "pay plowback" π_{pl} as minor in the world we know, but definitions must account for it. This I define

$$C_s = \tau(H)_ + \pi_{pl} \quad \text{or} \quad t(H)_ = C_s - \pi_{pl} \ , \qquad \text{(A5.2)}$$

where $\tau(H)_$ is "human transfer in". This and (A1.2a), showing $F_ = \tau_$, give

$$F(H)_ = \tau(H)_ = C_s - \pi_{pl} \ . \qquad \text{(A5.3)}$$

(A3.1) and (A3.2), analyzing the firm, derived

$$\rho - \rho_c = Y_\rho \text{gross} = Y_\rho + D_\rho \ .$$

For human capital, this can show as

$$\pi - \pi_c = W_\rho \text{gross} = W_\rho + D(H)_\rho \ , \qquad \text{(A5.4)}$$

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reading "pay less prior claims on pay equals earned pay equals gross realized work equals realized work plus realized (recovered) human depreciation".

Prior claims means outflow (transfer out), from sources other than the direct receiver of revenue, which are recovered in it and owed back to them. Maintenance consumption can be defined as any transfer out from any asset of either factor, outside the human capital of the earner, which supports pay in the sense that any less maintenance consumption would have realized less pay. This meets every criterion of prior claims but one. Maintenance consumption is the prior claims meant by π_c in (A5.5) if and only if it is actually recovered in pay or so intended.

I gave my arguments that it is neither, but is rather exhausted in satisfying our taste for survival, in Chapter 6 and elsewhere. If I am right, (A5.4) gives

$$\pi_c = 0 \quad \text{and} \quad \pi = W_\rho + D(H)_\rho = W_\rho \text{gross} \ , \tag{A5.5}$$

so that pay would measure and compensate gross realized work. This is the pay rule.

By (A3.3), positive cash flow is gross realized output less plowback from revenue. That comes to

$$F(H)_+ = W_\rho \text{gross} - \pi_{pl} = \pi - \pi_{pl} \ . \tag{A5.6}$$

Now we have

$$F(H) = F(H)_+ - F(H)_- = \pi - \pi_{pl} - (C_s - \pi_{pl}) = \pi - \pi_{pl} - C_s + \pi_{pl} = \pi - C_s \ , \tag{A5.7}$$

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as the application of (A3.5) to human capital. This confirms the traditional view (A5.1) if (A5.5) is right in interpreting prior claims on pay as zero.

If I was wrong there, and Quesnay and the physiocrats were right, some maintenance consumption would be recovered in revenue of its suppliers. Then I should have written something like $C = C_s + C_\tau + C_p$, where "transfer consumption" C_τ was the value recovered by suppliers. This mathematical possibility, which I do not claim to have disproved, explains why I do not claim that the pay rule is logical certainty as a whole. I claim certitude only for its most surprising feature: human depreciation is expected to be recovered in pay. The rest follows only if (A5.5) is right as I think it is. Meanwhile (A5.5) also gives

$$C = C_s + C_p \ , \tag{A5.8}$$

where C is consumption.

Saved work W_s means the self-invested output of human capital. It includes the subliminal and effortless work of job experience as well as the effort and opportunity cost of literal schooling, and also includes any free growth of human capital. Then

$$W = W_s + W_\rho . \tag{A5.9}$$

The growth truism (A4.3) for human capital becomes

$$\dot{H} = C_s + W_s(>0) - D(H) = C_s + W_s - D(H)_\rho . \tag{A5.10}$$

Human Capital as Present Value

Note

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$$g(F[H]) = g(\pi - C_s) = \frac{1}{\pi - C_s}\frac{d}{dt}(\pi - C_s) = \frac{\dot{\pi} - \dot{C}_s}{\pi - C_s}, \tag{A6.1}$$

and also

$$f(H) = \frac{F(H)}{H} = \frac{\pi - C_s}{H} = \frac{\pi}{H} - \frac{C_s}{H}. \tag{A6.2}$$

Pay π, literal and imputed, is the measure of gross realized work if I am right in (A5.5). I take this as meaning all adult productive activity not self-invested. Then the ratios π/H and C_s/H, the ratio of invested consumption to human capital, might both be intuited as biological norms, like the generation length, which tend to hold steady over time. Meanwhile the definition $f = F/K_T$ in (A1.6) and (A1.6a) is applied to human capital as

$$H = \frac{F(H)}{f(H)} = \frac{\pi - C_s}{f(H)}. \tag{A6.3}$$

What we want is to quantify f(H) in order to reveal H from measured or modeled $\pi - C_s$. Next generation theory measures cash flow rate of total capital, which simplifies to the pure consumption rate, at 3.5% a year as a reciprocal of the generation length. I argued that the risk component in rate of return is captured in cash flow rate, rather than growth rate, that return at any given moment varies only with risk, and that human capital as a whole should prove the riskier and higher-return factor. Then f(H) should prove generally higher than 3.5% per year.

That could give the key to quantifying collective human capital through (A6.3). I will not attempt that step here. A reason is that national accounts reflect pay mixed with

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profit when reporting income of proprietorships. I would rather trust an expert in national accounts to tease them apart, and to judge whatever pay should be imputed to people in the household sector not literally employed.

The Level Payment Mortgage

(A2.5) gives

$$V(x) = F\int_0^{\omega} F(z)e^{-r(x)(z-x)}\,dz\ . \tag{A7.1}$$

Consider the level payment mortgage. F(z) is the constant level payment while r(x) is the constant interest rate Here (A2.5) simplifies to

$$V(x) = F\int_x^{\omega} e^{-r(z-x)}\,dz = Fe^{rx}\int_x^{\omega} e^{-rz}\,dz = \frac{F}{r}\left[1 - e^{-r(\omega-x)}\right]\ . \tag{A7.2}$$

As there is no self-invested output, and no negative cash flow after initial investment at time 0, decapitilization (amortization) simplifies to $-\dot{V}(x)$. Thus

$$D(x) = -V'(x) = -\frac{d}{dx}\frac{F}{r}\left[1 - e^{-r\omega}e^{rx}\right] = \frac{F}{r}e^{-r\omega}\frac{d}{dx}e^{rx} = \frac{F}{e^{r\omega}}e^{rx}\ , \tag{A7.3}$$

confirming that amortization increases exponentially over the term of the mortgage.

Depreciation Theory

Depreciation can be defined as decapitalization which is a function of time since capitalization alone. When assets change hands, depreciation continues unchanged. Depletion and liquidation in sale, by contrast, are options available at any asset age. Amortization can be given the same definition as depreciation, but is customarily

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applied to paper rights such as the mortgage rather than to physical or human capital itself.

Depreciation of those assets is not as simple as with the mortgage. Cash flow F and discount rate r are typically variables rather than constants. Depreciation theory avoids that complexity, much as accountants do, by treating each successive investment in an asset as if it were a separate asset depreciating in itself.

(A2.5) through (A2.10) gave present value at time x of a differential foreseen positive cash flow at future time z as

$$dPV(x) = F_{+}(z)e^{-r(x)(z-x)}dz\,, \qquad \text{(A8.1)}$$

where the differential present value arose from a earlier or concurrent negative cash flow invested at time $u <= x$. It was shown that all of asset value $PV(x)$ at any time x can be explained as a sum or integral of such differential increments evolving with time alone from investment to eventual realization.

Meanwhile all output within the differential increment of dPV is self invested. Growth dPV can be understood either as this self-invested output or equivalently the shortening discount period, as each means growth at rate r. At interim moment t it is

$$dPV'(t) = r(x)dPV(t) = F(z)e^{-r(x)(z-t)}dt = \frac{r(x)F(e)}{e^{r(x)z}}e^{r(x)t}\,, \qquad x <= t < z\,. \qquad \text{(A8.2)}$$

Thus present value rises exponentially as long as the moment of cash flow is deferred.

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At moment z, self-invested output ends and all change in value is explained by depreciation alone. It equals the entire accumulated value of dPV at final moment z. That is,

$$D(z)dz = -dPV'(z)dz = dPV(z) = dPV(x)e^{r(x)(z-x)}. \qquad \text{(A8.3)}$$

The following table shows some illustrations:

Depreciation Factor $e^{r(x)(z-x)}$ if $z-x$ is 50 Years

Interim $z-x$ (years):	0	10	20	30	40	50
Factor if $r(x) = .035$:	.174	.247	.350	.497	.705	1
Factor if $r(x) = .065$:	.039	.074	.142	.273	.522	1

This exactly reverses the analysis applied in national accounts, which models the factor as decreasing rather than rising exponentially.

It should be stressed that these equations and this table describe each successive differential increment of outside investment (transfer in), not assets overall or groups of them. If transfer in were constant and continuous in an asset or group, other things equal, overall depreciation would show as linear.

Free Growth Theory

By the total return truism (A1.6a), showing r = g + f, we derive

$$g = r - f, \qquad dg = dr - df, \qquad \text{and} \qquad \Delta g = \Delta r - \Delta f. \qquad \text{(A9.1)}$$

dg or Δg is "acceleration", dr or Δr is "productivity gain" or "free growth rate" and $-df$ or $-\Delta f$ is "thrift gain". Divide by acceleration to reach

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$$\frac{dr}{dg}-\frac{df}{dg}=\frac{drdt}{dtdg}-\frac{dfdt}{dtdg}=\frac{\dot{r}}{\dot{g}}-\frac{\dot{f}}{\dot{g}}=1 \quad \text{and} \quad \frac{\Delta r}{\Delta g}-\frac{\Delta f}{\Delta g}=1. \tag{A9.2}$$

drK_T or ΔrK_T give free growth as a flow, while $-dfK_T$ or $-\Delta dfK_T$ give the flow of thrift.

Define the "productivity index" or "free growth index" φ (*phi*) as $\dot{r}/\dot{g}$ or $\Delta r/\Delta g$, and the "thrift index" θ (*theta*) as $-\dot{f}/\dot{g}$ or $-\Delta f/\Delta g$. (A9.2) can then be put as

$$\varphi+\theta=1\ , \tag{A9.2a}$$

in either the continuous time or discrete period sense.

Free growth theory is the prediction that φ at the collective scale will average unity (the number one), implying that θ averages zero, when φ or θ is measured for each year or for shorter periods if practical. Thrift theory makes the opposite prediction $\theta \to 1$ and $\varphi \to 0$. The point is to compare simultaneous changes in acceleration and thrift, and then find the long-term average of these simultaneous observations, rather than compare long-term changes in the first place. If free growth is right, they will prove uncorrelated. That is exactly what the charts and tables show whenever data are available. Acceleration is as likely to coincide with unthrift, meaning increase in consumption rate C/K, as with thrift.

Division of (A9.1) by acceleration was not essential to the logic. It added the convenience of index numbers totaling unity.

The test should be as fine-grained as practical. If the Piketty-Zucman website showed quarterly or monthly data revealing any two of r, f and g, I would have averaged the largest number of shortest periods. What I try to compare is *ex ante*

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acceleration, measured as thrift $-\Delta c$, and *ex post* acceleration Δg at the same moment. Otherwise we don't have the clearest test between free growth and thrift theories. Both agree that consumption can keep pace with output and capital over time. Free growth theory asserts that they keep pace continuously.

Correlations tell the same story. Tables show that coefficients between r and g run about 1, as with the free growth index, while correlations between f and g run about zero.

I do not claim that anyone but Mill and I has actually proposed free growth theory, nor that anyone at all has proposed thrift theory as here defined. It is my impression, not assertion, that modern consensus fits thrift theory given Harrod's qualifier that attempted (*ex ante*) net saving (thrift) must not exceed the technological growth rate (warranted growth path). My impression is that Solow and modern tradition agree, but blunt Harrod's knife edge. Free growth theory counters that the same growth arrives costlessly when *ex ante* net saving/investment is held at zero. Nor do I claim that data shown in my charts and tables prove free growth theory. Rather they demonstrate that all growth has proved free wherever measured to date.

Saving/Investment

Unlike Lord Keynes and modern tradition, I define saving and investment as synonymous from the start. I don't strictly need either term. My "transfer in", "unrealized output" and "plowback" arrive at the same thing. But I know I must do my best to write in a language already understood. I will usually say "investment" to mean saving/investment, and will use Keynes' notation I for both.

Keynes did not explicitly recognize human capital, although he very probably understood it. He treated investment in physical capital only. I notate this $I(K)$. I also treat investment in total capital, to be notated $I(K_T)$. Each, as in Keynes, sums depreciation recovery and "net investment". The latter, in my treatment, is

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considered in both *ex ante* and *ex post* versions. The subscripts xa and xp will show which.

Ex ante net investment can be notated $I(K_T)_{xa}$ and defined as identical to thrift flow $-df(K_T)$ or $-\Delta f(K_T)$. Its rate is the same as thrift rate $-df$ or $-\Delta f$. *Ex post* net investment is actual growth $\dot{K}_T$ or $\Delta K_T / \Delta t$ as a flow, and $\dot{g}$ or $\Delta K_T / (K_T \Delta t)$ as a rate. Free growth theory, supported by data wherever tested, predicts that thrift or *ex ante* net investment at the collective scale sacrifices cash flow (pure consumption) with no growth to compensate. My interpretation is that the optimum collective *ex ante* net investment rate is zero, or equivalently that optimum investment is current cost depreciation plowback from both factors. Then optimum *ex ante* net investment becomes

$$I(K_T)_{xa}, \text{optimum} = 0, \quad \text{at the collective scale.} \tag{A9.3}$$

(Net) output Y at that scale is total capital growth (net investment of both factors) plus pure consumption. Here too we can distinguish *ex ante* output as pure consumption plus *ex ante* investment, while *ex post* output is pure consumption plus *ex post* net investment. (9.3) gives

$$Y_{xa} \text{optimum} = C_p, \quad \text{at the collective scale,} \tag{A9.4}$$

where Y_{xa} is *ex ante* output.

Since (gross) investment equals net investment plus makeup for decaptalization, while decapitalization equals pure consumption C_p collectively by (A1.4a), we can show $I(K_T)_{xa} \text{optimum} = C_p$ as an alternate statement of (A9.4).

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Summarizing,

$$I(K_T)_{xa}\,\text{optimum} = Y_{xa}\,\text{optimum} = C_p\ , \quad \text{at the collective scale,} \tag{A9.5}$$

if free growth theory is correct.

Ex ante investment and output mean at cost. They are what we pay for. The practical importance of (A9.5) is as a guide to macroeconomic policy. It says that we cannot grow collectively by attempting to produce more than we consume. We do best by paying to produce just as much, and taking free growth as it comes.

(A9.5) does not say that we cannot influence the growth tides. It says that we cannot do so by thrift. It seems to be me that growth theory lies somewhere in the province of historicism and institutionalism rather than in the mechanics of supply and demand. Judging from history, old and new, growth seems to find traction in free markets where laws and customs welcome it. These are institutions shaped by history.

Free growth theory and its equations predict at the collective scale only. Clearly the Practical Pig can save out of the dissaving of his feckless brothers, while the individual life cycle is largely a story of each generation giving to the next.

Adjusting the Ben-Porath Model

Human capital begins at zero value at cohort age 0. Invested consumption C_s starts now, and is immediately compounded by self-invested work of the young. This means all work before pay begins at age of adulthood and independence A. As human depreciation is expected to be recovered in pay, that flow too is put off until age A. Then cohort present cost at any earlier age x, as defined in (A2.10), is

$$H(x) = \int_0^x C_s(z)e^{r(x)(x-z)}dz\ , \quad \text{if} \quad x <= A\ . \tag{A10.1}$$

HOUSE_OVERSIGHT_011148

I argued that outside investment in human young, including the unpaid work of parenting, might not be far from constant. School costs rise as parenting costs decline. (A10.1) in that case gives

$$H(x) = \frac{C_s}{r(x)}\left(e^{r(x)x} - 1\right), \quad \text{if } x <= A. \tag{A10.2}$$

At maturity (A10.1) becomes

$$H(A) = \int_0^A C_s(z) e^{r(A)(A-z)} dz. \tag{A10.3}$$

H in adulthood is easiest to model at present value rather than present cost. Human cash flow is pay π less C_s. Discounted cash flow becomes

$$H(x) = \int_x^{\omega} (\pi - C_s)(z) e^{r(x)(z-x)} dz, \quad \text{if} \quad x >= A, \tag{A10.4}$$

where r(z) now is best understood as time preference rate. This is identical to expected rate of return, as shown in the diamond ring parable. Note that there is no explicit adjustment for asset risk. I argue that human capital is not inherently riskier than physical capital, but rather adapts to the risk tolerance of its owner. It is riskier collectively because owned disproportionately by the risk-tolerant young. I treat risk profile as a function of the owner's age, gender and wealth. (A10.4) describes cohort value, and so neglects individual differences in gender and wealth as already captured in the characteristics of the cohort.

I model C_s as negligible in adulthood because I see so little of it. That would reduce adult human cash flow to pay alone, and so simplify (A10.4) to

HOUSE_OVERSIGHT_011149

$$H(x) = \int_x^{\omega} \pi(z) e^{-r(x)(z-x)} dz, \quad \text{if} \quad C_s = 0 \quad \text{and} \quad x \geq A. \qquad \text{(A10.5)}$$

Now let's add some detail and bring in physical capital. Like most, I model inheritance as zero and physical capital acquisition as beginning after age of independence A. That can be modeled as age 20. As human depreciation begins then at zero, if depreciation theory is right, gross realized work (pay) simplifies at first to realized work. This takes up all the new worker's time and attention, yet simultaneously enables subliminal self-invested work in job experience.

It seems reasonable to model pay at job entry as equal to the new worker's maintenance consumption, on the reasoning that independence means reaching the ability to earn it. Thus nothing is left for investment in physical capital at first. But the quick buildup of job experience soon means pay left for investment. As I model no pay plowback, that means physical capital acquisition.

Human depreciation rises slowly while the self-invested work of job experience diminishes, so that overall growth in human capital peaks and then declines. Physical capital owned does the same as we acquire it and then spend it on the young. Young arrive, on average, as a cohort reaches age 28.5 (my estimate of the generation length). The cohort of adults begins divesting its capital of both factors in nurture and schooling received by the young as invested consumption.

The young reach independence on average when the adult cohort reaches age 57 (2 x 28.5). Some young will have been born after parental age 28.5, and will continue to receive parental investment over the eight years remaining between age 57 and retirement modeled at age 65. But my model cannot account confidently for this eight year gap on the whole, or for the retirement period following, which runs twice as long. My hypothesis is that retirees are effectively employees hired by productives to help take care of the kids, while the eight-year gap might show a human capital reserve against nasty surprises.

HOUSE_OVERSIGHT_011150

Retirement can be defined in principle as the period when our pay, literal or imputed, no longer covers our maintenance consumption needs. Human capital continues, even so, as long as we earn any imputed pay for helping take care of ourselves and others. Maintenance is not investment C_s , and is not deducted in finding our cash flow and its present value.

(A4.4) showed the growth truism for total capital of any individual as

$$\dot{K}_T = \gamma_- + Y_s + \rho_{pl} - D_\rho \ ,$$

recalling that γ_- is gift received, Y_s is self-invested (unrealized) output of both factors, ρ_{pl} is plowback from realized output, and D_ρ is recovered decapitalization. For the young under age A, I model K_T as H alone, γ_- as invested consumption provided by adults, $Y_s$gross as self-invested work, which I model as all work, and D_ρ as zero. Thus (A4.4) is interpreted as

$$\dot{K}_T = \dot{H} = C_s + W_s = C_s + W = C_s + rH \ , \quad \text{if age} \ <= A \ , \qquad \text{(A10.5)}$$

leading directly to (A10.1)

For adults I model gift received γ_- as zero. As physical capital acquisition is modeled as beginning at independence (age A), Y_s now becomes self-invested output for both factors. Let this show as P_s for physical capital. ρ_{pl} means pay plowback π_{pl} plus plowback from revenue of physical capital, as with the firm. That can show as $\rho(K)_{pl}$. But I model π_{pl} as zero because I see so little of it. Rather I allow reinvestment of pay

HOUSE_OVERSIGHT_011151

into physical capital holdings. That can be notated π_τ . I don't allow transfer from physical to human capital in adults, which would mean invested consumption C_s afforded from property cash flow, because I see so little adult C_s (adult education) on which to spend it. That's why I model π_{pl} as zero. Meanwhile realized decapitalizaiton is decomposed into its human and physical components $D(H)_\rho$ and $D(K)_\rho$. This adapts (A4.4) to

$$\dot{K}_T = \dot{H} + \dot{K} = W_s + P_s + \rho(K)_{pl} + \pi_\tau - D(H)_\rho - D(K)_\rho \ , \quad \text{if age} >= A \ , \qquad \text{(A10.6)}$$

and specifically

$$\dot{H} = W_s - D(H)_\rho \quad \text{and} \quad \dot{K} = \pi_\tau + P_s + \rho(K)_{pl} - D(K)_\rho , \quad \text{if age} >= A \ .$$

(A10.7)

Next Generation Theory

The period of production, as defined by Jevons and Boehm Bawerk, gave the reciprocal of rate of production (rate of return Y/K_T) if growth were zero. Output Y equals growth plus cash flow. Then Jevons and Boehm Bawerk really meant the period needed for output to make up for losses to cash flow. I call this the "cash flow period" T_F , equal to the reciprocal of cash flow rate f. That is,

$$T_F = \frac{1}{f} \ . \qquad \text{(A11.1)}$$

Both modeled at the collective scale, where cash flow under the Y = I + C equation both would have accepted simplifies to consumption C. Adjustment to the Y rule corrects this to pure consumption C_p . That would specify (A11.1) as

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$$T_F = \frac{1}{C_p}, \quad \text{at the collective scale.} \tag{A11.1a}$$

recalling that c_p is pure consumption rate C_p / K_T.

Rae, Jevons and Boehm Bawerk all got nowhere because they modeled physical capital only. Jevons, in particular, saw the productive cycle as the wage fund reproducing itself as it was used up in consumption per (A11.1). He was close. (A11.1a) models it as total capital reproducing itself as it is used up in pure consumption. My next generation theory, really Petty's, posits the generation length as the deadline for transmitting all fitness (total capital) from each generation to the next.

The generation length in R.A. Fisher's sense is average age difference between both parents and all offspring from first births to last weighted equally. It is a flexible biological norm. It was probably well over 30 years before 1900 or so, when high infant mortality compelled longer breeding to ensure that two would survive to breed again. Contraception, known since Roman times, was then less practiced. It seems to run a little under 30 years today in industrial countries. I model it at 28.5 years. That gives

$$T_F = 28.5 \text{ years} \quad \text{and} \quad c_p = \frac{1}{T_F} = .035 / \text{year} . \tag{A11.2}$$

(A9.5), inferred from free growth theory, already gives

$$I(K_T)_{xa}\text{optimum} = Y_{xa}\text{optimum} = c_p , \quad \text{at the collective scale.}$$

This shows that the output we actually control, meaning *ex ante* output, is optimized at just enough to make up losses to pure consumption. Next generation theory specifies that the loss and make-up period equals the generation length.

HOUSE_OVERSIGHT_011153

Under the simplifying assumptions of the life cycle model adapted from Ben-Porath, we would meet that deadline by directing all adult gross realized output less property plowback $\rho(K)_{pl}$ to gift to the immediate generation of young received as their invested consumption. The young would add their part by compounding that outside investment into their human capital at the rate of their entire *ex ante* output. This would prove the most straightforward strategy to exhaust and replace all total capital by the deadline exactly. This is just as in my adjusted Ben-Porath model with the addition of the specified deadline.

Here as there, I describe adults collectively and the young collectively. I will not attempt to model effects of kin selection in individual investment choices. But I have intended to lay a groundwork. Investment, in Hamilton's sense, translates to gift γ_+ in economic terms. It is a flow of total capital (fitness) from donor to donee. At the individual scale, as well as for the group scale, it equals gross realized output less plowback. Gross realized output tends to be a continuous flow, as we see in pay, rather than one easily sped up or slowed down. This gives an idea of the time constraints I mentioned in critiquing Hamilton's rule.

HOUSE_OVERSIGHT_011154

Evolution and Human Choice over Time

Alan R. Rogers*†

1997

1 The connection between evolution and economics

In economics, equilibria are often found by equating two versions of the *marginal rate of substitution* (MRS). For example, my MRS in preferences (the ratio at which I am "just willing" to exchange two goods) should equal the MRS in exchange (the ratio at which I can exchange them in the market). Otherwise, I would have reason to sell one good and buy the other. At equilibrium (as shown in figure 1) these two versions of the MRS must be equal.

This analysis is also familiar to evolutionary ecologists, as shown in figure 2. There, the indifference curves are replaced by *fitness isograms*, which connect points of equal Darwinian fitness.[1] In place of a budget constraint, ecologists study a variety of other constraints. The principle, however, is the same: equilibrium occurs at the point where the two curves have equal slope.

These two forms of analysis are connected by something deeper than analogy. They are connected by a third equilibrium principle, which was first described by Hansson and Stuart [12]. These authors define the *MRS in fitness* as the ratio at which two goods can be exchanged without affecting Darwinian fitness. Thus, the MRS in fitness measures the absolute slope of the dotted lines in figure 2. The new equilibrium principle asserts that, at evolutionary equilibrium, the MRS in fitness must equal that in preferences. A simple proof of this principle is shown in figure 3.

The new equilibrium principle adds an additional equation to the arsenal of economics. The MRS in preferences must now equal that in fitness as well as those in exchange and production. If the hypothesis of evolutionary equilibrium turns out to be useful, then this should allow a more powerful theory of economics.

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†Published as pp. 231–252 in *Characterizing Human Psychological Adaptations*, edited by G. Bock and G. Cardew. CIBA Foundation Symposium 208. John Wiley and Sons.

[1]In models with discrete generations, Darwinian fitness is the conditionally expected number of an individual's offspring, given its genotype. In models with overlapping generations, fitness is measured by R. A. Fisher's [8] "Malthusian parameter," which measures the asymptotic rate of exponential increase in the numbers of one's descendants [2].

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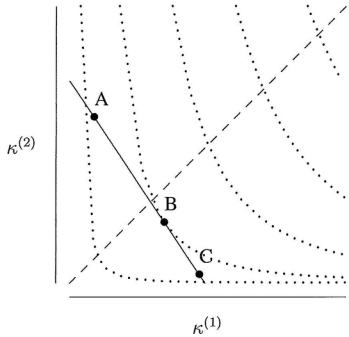

Figure 1: The Indifference Diagram of Economics
An individual consumes a quantity $\kappa^{(1)}$ of good 1, and $\kappa^{(2)}$ of good 2. The dotted *indifference curves* connect consumption bundles to which he is indifferent. By buying or selling, the consumer moves left or right along the solid *budget line*. Utility is maximized at the point where the two lines have equal slope, or in other words, at the point where $MRS_P = MRS_E$.

2 Application to time preference

Suppose that, in figure 1, good 1 refers to food that is consumed today, and good 2 to food that is consumed τ time units later. With this interpretation, the figure describes preferences regarding different paths of consumption over time, or in other words, *time preference*. In a recent paper [15], I developed an evolutionary theory of time preference using the methods outlined above. That paper simplified the problem by assuming that changes in consumption affect fitness solely via their effect on survival. Here, I extend that analysis to incorporate effects on fertility as well.

The analysis proceeds by deriving an expression for the MRS in fitness, and setting this equal to well-known expressions for the MRS in preferences and in exchange. I begin with a series of definitions.

2.1 Definitions

The MRS in preferences between immediate and delayed consumption is defined by

$$MRS_P \equiv -\left.\frac{d\kappa^{(2)}}{d\kappa^{(1)}}\right|_{U \text{ constant}}$$

where the derivative is taken along a line of constant utility U, i.e. an indifference curve. The MRS in preferences is often measured by θ, the *marginal rate of time preference* (MRTP), which defined

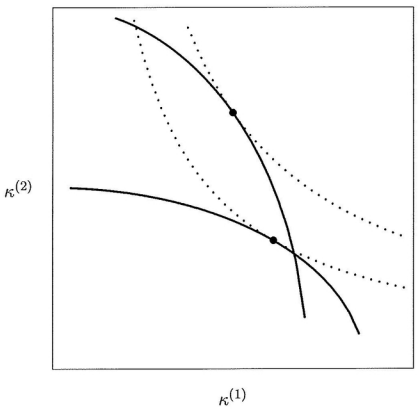

Figure 2: Constrained Optimization in Evolution

Darwinian fitness increases with increasing values of characters $\kappa^{(1)}$ and $\kappa^{(2)}$, and the dotted *fitness isograms* connect points of equal fitness. The two solid *constraint lines* illustrate two different hypotheses about which combinations of $\kappa^{(1)}$ and $\kappa^{(2)}$ are feasible. For any assumed constraint, the evolutionary problem is to choose the point on the constraint line that maximizes fitness. This constrained optimum occurs where the constraint line and fitness isogram have equal slope, i.e. where $MRS_C = MRS_F$.

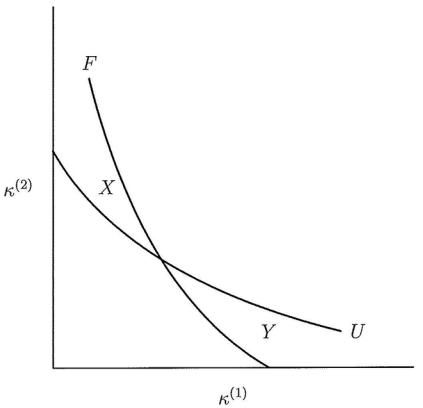

Figure 3: Why the MRS in fitness equals that in preferences at evolutionary equilibrium
Fitness and utility each depend on consumption of commodities $\kappa^{(1)}$ and $\kappa^{(2)}$. If the MRS in fitness did not equal that in preferences, then the isograms of the fitness function F would cross those of the utility function U, as shown in the figure. There would then exist consumption bundles, X and Y, such that X is preferred to Y although Y confers the higher fitness. This preference ordering cannot be evolutionarily stable because a mutation that reversed the preference between X and Y would be favored by selection.

by

$$MRS_P \equiv e^{\theta\tau} \tag{1}$$

where as before τ is the time that elapses between $\kappa^{(1)}$ and $\kappa^{(2)}$. The MRS in exchange between present and future consumption is the ratio at which present and future consumption can be exchanged by borrowing and lending. It is related to the interest rate i by

$$MRS_E \equiv -\left.\frac{d\kappa^{(2)}}{d\kappa^{(1)})}\right|_{W \text{ constant}} \equiv e^{i\tau} \tag{2}$$

where W is wealth and the derivative is taken along a line of constant wealth, that is, along the solid market line in figure 1. The MRS in fitness is defined by

$$MRS_F \equiv -\left.\frac{d\kappa^{(2)}}{d\kappa^{(1)}}\right|_{F \text{ constant}} \tag{3}$$

where the derivative is taken along a line of constant fitness F. In equilibrium, all these versions of the MRS must be equal.

2.2 Finding the MRS in fitness

The evolutionary theory of time preference is complicated by the possibility that the returns from an investment may increase the Darwinian fitness of the investor's daughter (or other relative) rather than that of the investor herself. This makes it necessary to use the evolutionary theory of "kin selection," which deals with interactions between relatives [9, 10].

The particular model used here was developed in another context [14], and its application to the economic problem of time preference is discussed elsewhere [15]. Rather than repeat that material here, I shall simply state the relevant results.

2.2.1 Results from the evolutionary theory of kin selection

The theory supposes that one individual (the donor or investor) undertakes an investment that has an immediate effect on himself, but a delayed effect on a second individual (the recipient). The donor and recipient may or may not be the same individual. The donor undertakes his action at age $x^{(1)}$, and the recipient is affected after τ time units, when the recipient's age is $x^{(2)}$. This interaction changes from $P^{(1)}$ to $P^{(1)} + \Delta P^{(1)}$ the donor's probability of surviving from age $x^{(1)}$ to $x^{(1)} + dx$. The donor's fertility during this same interval is changed from $m^{(1)}$ to $m^{(1)} + \Delta m^{(1)}$. Similarly, the interaction changes from $P^{(2)}$ to $P^{(2)} + \Delta P^{(2)}$ the recipient's probability of surviving from age $x^{(2)}$ to $x^{(2)} + dx$. The recipient's fertility during this interval is changed from $m^{(2)}$ to $m^{(2)} + \Delta m^{(2)}$.

The effect of this interaction on Darwinian fitness are summarized in table 1, which is adapted from table 1 of [14]. Unlike the table used in my earlier work on time preference [15], this one includes effects on fertility as well as on mortality. In the table, r denotes the *coefficient of relationship* between donor and recipient,[2] the subscripts D and R indicate the sex of the donor and of

[2]Wright's coefficient of relationship [5, pp. 69, 137–138] can be interpreted as the fraction of their genes that two individuals can expect to hold in common. It equals 1 if the donor and recipient are the same individual, 1/2 if the recipient is an offspring, 1/4 if a grandchild, and so forth.

Table 1: How Changes in Fertility and Mortality Affect Fitness

Effect on	Additive change	Reproductive value	Discount factor	Relationship to donor
Donor				
A. fert.	$\Delta m^{(1)}$	1	$e^{-\rho x^{(1)}}$	1
B. mort.	$\Delta P^{(1)}$	$v^{(1)}$	$e^{-\rho(x^{(1)}+dx)}$	1
Recipient				
C. fert.	$\Delta m^{(2)}$	1	$e^{-\rho(x^{(1)}+\tau)}$	r
D. mort.	$\Delta P^{(2)}$	$v^{(2)}$	$e^{-\rho(x^{(1)}+\tau+dx)}$	r

Notes: The altruist allele will increase (decrease) in frequency if the sum of row products is positive (negative). The notation is defined in the text. For simplicity, I assume that the sex ratio at birth is unity, that effects on fertility are brief, that these effects are small enough that second-order terms in Δm and ΔP can be ignored, and that a single recipient is affected by each altruistic act.
Source: Rogers [14, Table 1]

the recipient, and v denotes the *reproductive value* (R. A. Fisher, 1958). It is defined by

$$v \equiv \frac{\sum_{y=x}^{\infty} e^{-\rho y} l_g(y) m_g(y)}{e^{-\rho x} l_g(x)} \tag{4}$$

where ρ is the rate of population growth, $l_g(y)$ the probability of living to age y, $m_g(y)$ the expected number of offspring produced at that age, and the subscript g indicates the individual's sex. The reproductive value can be interpreted as the expected present value of an individual's future contributions to the gene pool.

A gene that encourages the donor to undertake this action will be favored by natural selection if the sum of the row-products in table 1 is positive, or disfavored if that sum is negative.

2.2.2 The MRS in fitness

An interaction is selectively neutral—having no effect on fitness—if the sum of row-products in table 1 is zero, i.e. if

$$\begin{aligned} 0 = \Delta m^{(1)} e^{-\rho x^{(1)}} &+ \Delta P^{(1)} v^{(1)} e^{-\rho x^{(1)}} \\ &+ \Delta m^{(2)} e^{-\rho(x^{(1)}+\tau)} r + \Delta P^{(2)} v^{(2)} e^{-\rho(x^{(1)}+\tau)} r \end{aligned} \tag{5}$$

Here, I have assumed that effects on mortality are brief so that $dx \approx 0$. When this equation holds, the interaction (or investment) described above moves us along a fitness isogram. Thus, the equation holds the key to the slope of this isogram, the MRS in fitness. But before proceeding, it will be useful to recast the equation in terms of changes in consumption.

I now assume that fertility and mortality are both differentiable functions of consumption.

$$\begin{aligned} P &= P(x, \kappa) \\ m &= m(x, \kappa) \end{aligned}$$

where κ is consumption at age x. Furthermore, I assume that the fertility and mortality effects in the table were produced by changes in consumption. Specifically, the donor's consumption at age $x^{(1)}$ changed from $\kappa^{(1)}$ to $\kappa^{(1)}+\Delta\kappa^{(1)}$, while that of the recipient changed from $\kappa^{(2)}$ to $\kappa^{(2)}+\Delta\kappa^{(2)}$. If these changes are small, then the fertility and mortality effects are

$$\Delta P \approx \Delta\kappa P_\kappa(x) \tag{6}$$
$$\Delta m \approx \Delta\kappa m_\kappa(x) \tag{7}$$

where $P_\kappa \equiv \partial P(x,\kappa)/\partial\kappa$ is the marginal effect of consumption on survival, and $m_\kappa \equiv \partial m(x,\kappa)/\partial\kappa$ the marginal effect on fertility. Substituting these into equation 5 and rearranging gives the MRS in fitness,

$$MRS_F \equiv -\frac{\Delta\kappa^{(2)}}{\Delta\kappa^{(1)}} = \left(\frac{e^{\rho\tau}}{r}\right)\left(\frac{m_\kappa^{(1)}+P_\kappa^{(1)}v^{(1)}}{m_\kappa^{(2)}+P_\kappa^{(2)}v^{(2)}}\right) \tag{8}$$

This generalizes Eqn. 7 of my earlier paper [15], which excluded the marginal effect of consumption on fertility.

2.2.3 The long-term real rate of interest

The long-term interest rate is found by setting setting

$$MRS_F = e^{i\tau} \tag{9}$$

where i is the interest rate over delay τ. This procedure equates the *MRS* in fitness (the left-hand side of the equation) with that in exchange (the right-hand side), and is justified as follows. The argument in figure 3 shows that, in evolutionary equilibrium, the MRS in fitness must equal that in preferences. Furthermore, in market equilibrium the MRS in preferences must equal that in exchange. In studying equation 9, we are examining the implications of the hypothesis that both equilibrium assumptions hold true.

As in my previous paper on time preference, I concentrate on intergenerational investments in which the investment benefits the investor's daughter after exactly one generation. By assumption, the mother and daughter are affected at the same age, so that the two reproductive values in MRS_F are equal. In stationary equilibrium, the mother and daughter will also have equal wealth at this common age, so that the marginal effects of consumption on their fertility and survival are equal as well. Consequently, the right-most fraction in equation 8 equals unity, and $MRS_F = e^{\rho\tau}/r$, where $r = 1/2$ (since the two individuals are mother and daughter), and τ equals the generation length, T. Equation 9 becomes $2e^{\rho T} = e^{iT}$, or

$$i = (\ln 2)/T + \rho \tag{10}$$

The relevant rate of population growth is not the current one, but some sort of average rate over recent evolutionary history. Since evolutionary changes are usually slow, the last couple of centuries of rapid growth have probably had no large effect. Prior to that, ρ must on average have been near zero. Thus, equation 10 suggests that $i \approx (\ln 2)/T$. The generation time T is usually a little less

than 30 years in human populations. For example, $T = 28.9$ in the 1906 population of Taiwan [11]. Thus, if $\rho \approx 0$, selection should favor long-term interest rates that average $(\ln 2)/28.9 = 0.024$ per year, in reasonable agreement with observation.

These results are identical to those of my earlier paper on time preference [15, Eqn. 12], and extend those results to the more general context in which selection acts via fertility as well as mortality.

2.3 Diminishing marginal returns to consumption

I now introduce the standard assumptions of economic analysis: that consumption helps in some sense and that each successive unit of consumption helps less than the last. In the present context, this will mean both that $m(x)$ and $P(x)$ each increase with consumption, and also that marginal effects decline as consumption increases.

Although these assumptions are unremarkable in economics, they may seem problematic here. Eating too much can be bad for you, and animals on restricted diets often seem to live longer than those with unrestricted access to food [7, Sec. 10.3.1]. Yet this is no real cause for skepticism: food is just one of many consumer goods, and wealthy people do live longer than poor ones.

To capture the diminishing marginal effect of consumption, I will assume that

$$\begin{aligned} m(x,\kappa) &\equiv m^*(x)\kappa^\alpha \\ P(x,\kappa) &\equiv P*(x)\kappa^\beta \end{aligned}$$

where $0 < \alpha, \beta < 1$, and attention must be restricted to to parameter values such that P stays within the interval [0,1]. Here $m^*(x)$ and $P*^(x)$ are, respectively, the fertility and survival probability of a "standard" individual of age x—one who consumes a single unit of resource.

To justify this particular formulation, I appeal to the data in figure 4. There, the vertical axis measures the variation of age-specific fertility across populations, and the horizontal axis measures mean age-specific fertility. The graph shows that fertility is most variable at age classes where fertility is high. At least some of this variation must reflect variation in consumption. Thus, it is sensible to build a model in which the effect of consumption is greatest on age classes with high fertility.[3]

Marginal fertility and survival become

$$m_\kappa = \frac{\alpha}{\kappa} m(x,\kappa) \tag{11}$$

$$P_\kappa = \frac{\beta}{\kappa} P(x,\kappa) \tag{12}$$

and the *MRS* in fitness is

$$MRS_F = \left(\frac{e^{\rho\tau}}{r}\right)\left(\frac{\gamma m^{(1)} + (1-\gamma)P^{(1)}v^{(1)}}{\gamma m^{(2)} + (1-\gamma)P^{(2)}v^{(2)}}\right)\left(\frac{\kappa^{(2)}}{\kappa^{(1)}}\right) \tag{13}$$

where $\gamma \equiv \alpha/(\alpha+\beta)$ measures the importance of marginal fertility relative to marginal survival.

[3] I need to repeat this exercise with survival data.

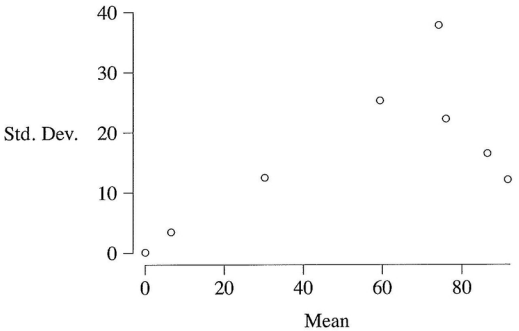

Figure 4: Mean and Standard Deviation of Age-specific Fertility
Based on the following sets of fertility data: 1906 Taiwan [11], Standard Natural Fertility [4], 1973 Libya and 19th century Utah [6].

3 Uncertainty about recipients

Thus far, I have assumed that the recipient is known with certainty at the time the investment is made. No allowance has yet been made for the possibility that the benefit may eventually go to someone other than the intended recipient. As in my previous paper on time preference, I will incorporate uncertainty by assuming that when the benefit arrives, it will be allocated among potential recipients (including the donor herself) so as to maximize its discounted value to the donor. As before, I rule out the possibility of distributing the benefit among several recipients. The development below differs from that of my previous paper in two ways. First, it allows the interaction to affect fertility as well as survival. Second, it will incorporate diminishing marginal returns to consumption.

3.1 Model

We begin as before, with table 1. The difference is that, under uncertainty it is not the row-sum itself that must equal zero, but the expected value of this sum. I assume changes in fertility and survival are caused by changes in consumption, as discussed above in section 2.2.2. In addition, I use the model of diminishing marginal returns defined above in section 2.3. Thus, equations 6–7 and 11–12 allow equation 5 to be re-expressed as

$$\begin{aligned} 0 = {} & \Delta\kappa^{(1)}(\alpha m^{(1)} + \beta P^{(1)} v^{(1)})/\kappa^{(1)} \\ & + \Delta\kappa^{(2)} e^{-\rho\tau} E\Big\{(\alpha m^{(2)} + \beta P^{(2)} v^{(2)})/\kappa^{(2)}\Big\} \end{aligned} \tag{14}$$

where E denotes the expectation. In taking this expectation, I define $v^{(2)} = 0$ when there is no recipient at all.

The MRS in fitness is obtained by rearranging this expression to obtain

$$MRS_F \equiv -\frac{\Delta\kappa^{(2)}}{\Delta\kappa^{(1)}} = E\{Z\}^{-1}$$

where

$$Z \equiv \left(\frac{e^{-\rho\tau} r(\gamma m^{(2)} + (1-\gamma)P^{(2)}v^{(2)})}{(\gamma m^{(1)} + (1-\gamma)P^{(1)}v^{(1)})}\right)\left(\frac{\kappa^{(1)}}{\kappa^{(2)}}\right), \tag{15}$$

and $\gamma \equiv \alpha/(\alpha+\beta)$ measures the relative importance of marginal fertility.

In what follows, I will take $\kappa^{(1)} = \kappa^{(2)}$ so that the final term in Z disappears. This restricts attention to the MRS at points along the $45°$ line in figure 1. In intergenerational transfers there is good reason for interest in these values. At stationary equilibrium, the consumption of an individual at age $x^{(1)}$ must equal that of her daughter one generation hence. Thus, intergenrational investments are governed by the MRS in preferences along the $45°$ line, which must also equal the MRS in exchange and the marginal productivity of intergenerational investment.[4] These quantities could all be predicted from the MRS in fitness along the $45°$ line. For transfers over shorter intervals, there is less reason for concern with the MRS along the $45°$ line. For these cases, the present approach will tell only part of the story.

3.1.1 The evolutionary discount function

To facilitate presentation of numerical results, I define an *evolutionary discount function* λ, which satisfies

$$MRS_F \equiv e^{\int_x^{x+\tau} \lambda(x,w)dw} \tag{16}$$

For example, when λ is a constant, future benefits are discounted exponentially at a constant rate. λ can accomodate nearly any form of discounting, and is closely related to the marginal rate of time preference (MRTP): the average value of λ over any age-interval predicts the MRTP over that interval [15, Eqn. 15]. I calculate λ from age-specific fertility and survival data using the methods described by Rogers [15].

3.1.2 Demographic statistics

Ideally, λ should be estimated using demographic statistics that reflect some sort of long-term average of human demographic history. This, of course, is impossible. I have instead relied on demographic statistics from modern "natural-fertility" populations, whose vital rates are thought to resemble those of pre-industrial populations.[5] It would be unwise, however, to take any single modern population as the examplar of our unknown ancestors. We do not know whether prehistoric human demography was more similar to that of 19th century Taiwan, or that of 19th century Utah, to name just two possibilities. Nonetheless, it seems likely that species-wide mean demographic

[4] See [13, p. 172] and [15, Footnote 12].

[5] A natural-fertility population is one in which birth-control is either absent, or else is applied independently of the number of a woman's existing children. In natural-fertility populations, women may use birth control to space births, but they do not use it to achieve a target family size [1].

parameters have for a very long time fallen within the range spanned by modern natural-fertility populations. In my previous paper, I estimated λ using demographic statistics from a wide variety of natural-fertility populations, and found that this variation had little effect on the answer. Consequently, I will restrict attention here to a single set of demographic statistics. I use fertility and paternity data of 19th century Utah [6] and the Model West life table with mortality level 12 [3, p. 47]. This mortality level implies that the expectation of life at birth e_0° is approximately 45 years.

3.2 Results

Before presenting new results, I summarize some old ones. Figure 5 shows an evolutionary discount function from my earlier paper on time preference. In the figure, "age at investment" refers to the age at which a decision is made between an immediate and a delayed benefit. Ages beyond the age at investment are "future ages." Thus, the line marked by open circles shows the discount function pertaining to some investment that might be undertaken by newborn infants, whereas the line marked by stars pertains to investments by young adults.

To understand what these curves mean, consider a hypothetical 20-year old woman who has been offered some survival benefit that will not arrive until she is 40. Since she is female and is now of age 20, the starred curve in the upper panel of figure 5 applies. It indicates that the average discount rates within the four 5-year intervals spanning ages 20–40 are 0.059, 0.050, 0.012, and 0.007 respectively. The average of these is 0.032, and this implies[6] that the future benefit should be discounted by a factor of $\exp[-20 \times 0.032] = 0.529$. The 20-year old, therefore, should value this delayed benefit at only about half of its nominal value. In general, one applies a MRTP that is an average of λ over the relevant interval.

The figure illustrates the major conclusions of the previous analysis:

- In the long run, λ converges to a value of about 2%, very close to the value predicted by the heuristic argument leading to equation 10. This lent support to my conclusion regarding the interest rate.
- The curves for different ages of investment lie nearly atop one another. Thus, λ is well approximated by a function of one argument: $\lambda(x, y) \approx \lambda^*(y)$.
- The evolutionary discount is much higher among young adults than among their elders. This predicts higher marginal rates of time preference among young adults, a prediction with which we can all identify.

However, figure 5 describes an analysis on survival axes rather than consumption axes. The evolutionary discount function there refers, in other words, to a trade-off between the survival (not the consumption) of donor and recipient. The methods introduced here allow an analysis on consumption axes, with varying levels of importance accorded to marginal fertility and marginal survival.

[6] The average of λ predicts θ, the MRTP. This average is equal to $\theta = 0.032$, and equation 1 implies that the future benefit is discounted by a factor of $e^{-\theta\tau}$, where $\tau = 20$ is the time delay.

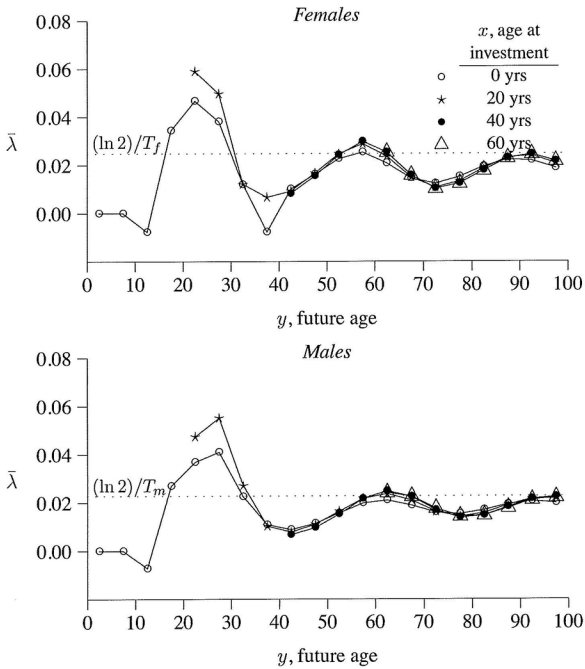

Figure 5: Evolutionary Discount Function

$\bar{\lambda}(x, y)$ is the average evolutionary discount rate within a five-year age interval. "Age at investment," x, refers to the age at which a decision is made between an immediate and a delayed benefit. "Future age," y, refers to ages beyond the age at investment. The dotted lines show the rate of interest predicted by equation 10, where the generation time is $T_f = 27.98$ for females and $T_m = 30.45$ for males.
Based on male and female fertility of 19th century Utah Mormons [6], and on the Model West life table (mortality level 12, $e_0^\circ = 47.5$ for females and 44.5 for males).

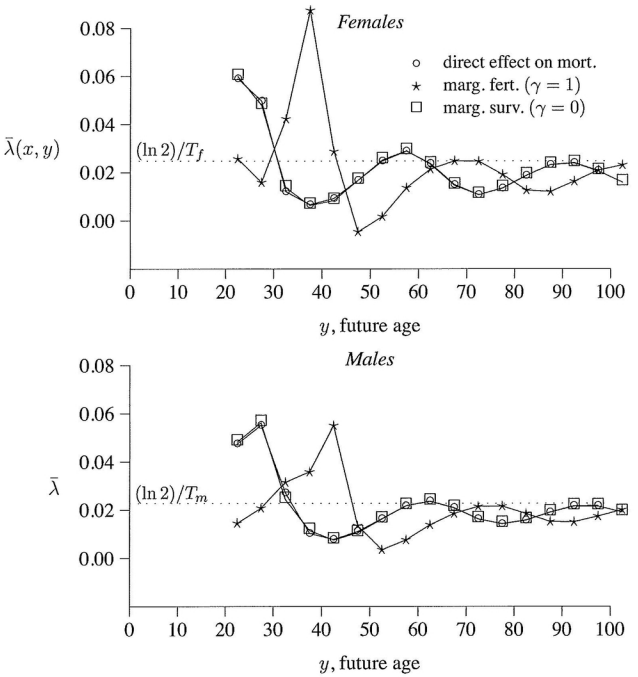

Figure 6: Evolutionary Discount Function

$\bar{\lambda}(x, y)$ is the average evolutionary discount rate within a five-year age interval. All curves refer to 20-year-old investors. "Future age," y, refers to ages beyond the age at investment. The dotted lines show the rate of interest predicted by equation 10, where the generation time is $T_f = 27.98$ for females and $T_m = 30.45$ for males.

Based on male and female fertility of 19th century Utah Mormons [6], and on the Model West life table (mortality level 12, $e_0^\circ = 47.5$ for females and 44.5 for males).

The result of this analysis is shown in figure 6, along with the age-20 curve from figure 5. It shows that

- The long-term tendency is toward a rate of roughly 2% in all cases. Thus, conclusions about the interest rate are unaffected by the difference between these models.
- When consumption affects survival (i.e. when $\gamma = 0$), the curve differs little from that of the earlier analysis.
- When consumption affects fertility, the discount function peaks in the late thirties and early forties.

I'm not sure what to make of this. Perhaps:

- young people are prone to risk their lives in return for immediate gratification (fast driving, sky diving, high crime rates), but middle aged people are more prone to take risks affecting fertility.

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Brexit Statistics

Data Retrieved: 23rd June, 2016

Data Source: Twitter

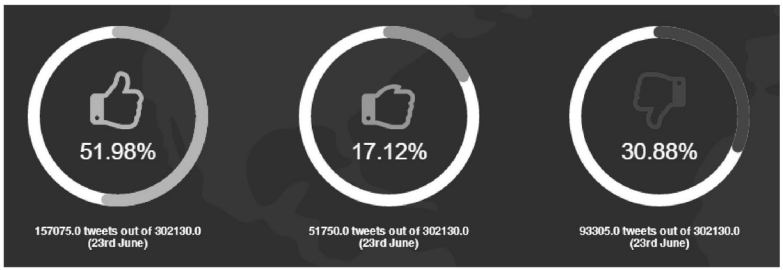
From: 12 AM CEST **TO:** 11 PM CEST

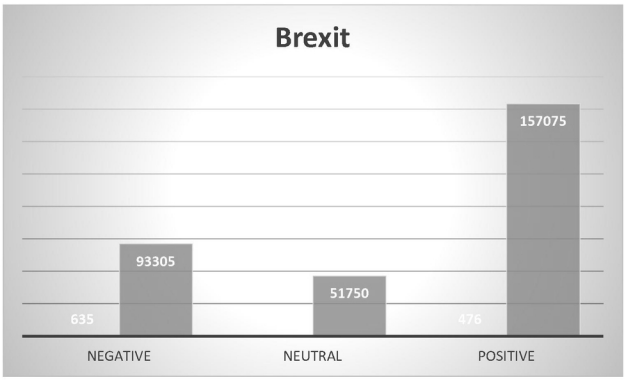
Total No of Tweets: 302,1130

No of Tweets with Positive Sentiment: 157,075

No of Tweets with Negative Sentiment: 93,305

No of Tweets with Neutral Sentiment: 51,750





user	Tweet	Created At	Location	No of times retweeted	Sentiment
DigestEcon	Markets in limbo ahead of Brexit vote https://t.co/UFjk6BiNVp #econ #mises #keynes	23 Jun 2016, 00:39 - CEST	In your Mind	0	negative
OriginBuilders	RT @DutchDL: TOMORROW>BREXIT pls !!> make history> & hopefully the Netherland will follow #PVV @EDLLONDON @Finnishdl @EDLâ€¦	23 Jun 2016, 00:39 - CEST	London	5	positive
cristiano_rosh	RT @manujosephsan: The finest Brexit was in 1947	23 Jun 2016, 00:39 - CEST	Mumbai ,India	164	positive
LeighJackson100	RT @Future_of_West: The Military "experts" who want Britain to remain in the EU were the same "experts" who wanted us to invade Iraq. #Brexâ€¦	23 Jun 2016, 00:39 - CEST		30	negative
BianchiGiuseMa	RT @Soppressatira: #Brexit: Â«Rischio enorme per famiglie e lavoroÂ». Dislocare in India e Cina le fabbriche, invece, Ã¨ estremamente sicuro.â€¦	23 Jun 2016, 00:39 - CEST	#storia #libri ItaliaMedievale	10	positive
TimesofIsrael	UK politicians make final appeals ahead of Brexit vote https://t.co/LLcWR1NIjh	23 Jun 2016, 00:39 - CEST	Jerusalem, Israel	0	positive
alijduncan	Bremain or Bereave? Vote smart Britons! #EUreferendum #Remain #UKreferendum #Brexit	23 Jun 2016, 00:39 - CEST	Wellington, New Zealand	0	negative
Jan_S_B_459	RT @Trev_Forrester: VOTE LEAVE #Brexit https://t.co/ldikPiOkyc	23 Jun 2016, 00:39 - CEST	Engand	14	positive
100postolala	@OtkudJa Å¡ta je se Å¡a? #BREXIT bre, od danas ne govorim viÅ¡e engleski	23 Jun 2016, 00:39 - CEST	Zrenjanin / Veliki BeÄ•kerek	0	negative
ianross6	RT @Dwalingen: I'm Dutch and I endorse #Brexit because we can be united only in freedom, sovereignty and rule of law. #VoteLeave https://tâ€¦	23 Jun 2016, 00:39 - CEST		257	positive
failedevolution	Ïœ Brexit Î‚Î± Î®Ï„Î±Î½ ÎÎ½Î± Î±Ï€Î¿Î†Î±ÏƒÎ¼Î¿Î„ Ï‡Ï„Ï•Ï€Î·Î¼Î± ÎµÎ½Î¿Î½Î„Î¹Î± ÏƒÎ· Î½ÎÎ± Î¦Î±Î…Î´Î±Î¯Î± https://t.co/MKxxj5gwWq	23 Jun 2016, 00:39 - CEST		0	neutral
JchilbeT	RT @evelinafinance: GBP/USD remains near 5month high ahead of Brexit referendum: https://t.co/WuufO9JBuH	23 Jun 2016, 00:39 - CEST	Argentina	1	negative
kiq	RT @stereogum: Noel Gallagher steps into Brexit debate: "I like the fact that it sounds like a cereal" https://t.co/D6xD37cxWH https://t.coâ€¦	23 Jun 2016, 00:39 - CEST	City of Osaka	9	positive
LivingInHopeUK	RT @AMTrump4PRES: I'd like 2 dedicate this tweet 2 former lovely cultures that will only B found between the pages of a book. #Brexit httpsâ€¦	23 Jun 2016, 00:39 - CEST	United Kingdom	11	positive
fnyack	Terrorists for deportation June 234, 2016. BREXIT! https://t.co/jtHoi0A0xK	23 Jun 2016, 00:39 - CEST	Manhattan, NY	0	negative
itsmelukepenny	#Brexit https://t.co/qtJKmlBWQh	23 Jun 2016, 00:39 - CEST	Earth (tax purposes)	0	negative

juanvendedor	Race of the Day: Brexit https://t.co/kn1m6nTroa https://t.co/E9Ht8Vnh9h	23 Jun 2016, 00:39 - CEST		0	positive
gdechanterac	RT @MVAlekseiev: Le taux de participation record de la prÃ©sidentielle autrichienne (107%) devrait Ãªtre battu lors du rÃ©fÃ©rendum sur le #Breâ€¦	23 Jun 2016, 00:39 - CEST	Paris / VendÃ©e	4	negative
callemexico	â€œBrexitâ€• causarÃa impacto en exportaciones italianas por 1.9 mil mdd https://t.co/ko8BcaDF8l	23 Jun 2016, 00:39 - CEST		0	negative
traderpreneurs	Cramer: Brexit fears are overblown https://t.co/BTRlqQuAIb	23 Jun 2016, 00:39 - CEST	Solo-Indonesia	0	negative
elliemurphie	A question I really think was not given due consideration over the #Brexit campaign #VoteRemain â•¤ https://t.co/oLFttmB5xu	23 Jun 2016, 01:13 - CEST	Ireland	0	negative
olgauq	RT @el_pais: La PolicÃa de Londres impide un reparto de cruasanes para pedir el voto contra el 'Brexit' https://t.co/UbMQsEnHpL	23 Jun 2016, 01:13 - CEST		20	NA
JohnMGinty	@JChatterleyCNBC #Brexit? I say remain. And I'm a blarneylovin Mic! Quell the uncertainty! What thinks Julia?	23 Jun 2016, 01:13 - CEST	West Chester, PA	0	negative
robertopliegor	Mezcla sin temor a Brexit sube a 40.83 dÃ³lares https://t.co/2BpHqmvpnp	23 Jun 2016, 01:13 - CEST	mexico city	0	NA
7nestingwrens	RT @londonfredd: People who vote #Brexit on the bases of immigration are likely to be voting on a lie risking their own jobs, pensions andâ€¦	23 Jun 2016, 01:13 - CEST	English Borders	1	NA
RamEstate	RT @NewsLandlords: UK landlords are not concerned over Brexit https://t.co/KEzIRG7qsg #uklandlords #Brexit https://t.co/pFhLeLtBHr	23 Jun 2016, 01:13 - CEST	London & Essex	6	NA
MarkNewtonCMT	RT @Histreepix: Applicants for 'Official Mascot of Brexit', Chelmsford, 2016. The eventual winner was Boris Johnson. https://t.co/xNSyH6HIaW	23 Jun 2016, 01:13 - CEST	Fairfield, CT	24	NA
RodYork	Final Brexit Appeals Made as Polls Diverge on Referendumâ€™s Eve https://t.co/cBcgvj4wmD via @business	23 Jun 2016, 01:13 - CEST		0	NA
maxim_bombo	#BrexitOrNot : Â«Â Les Britanniques ont toujours eu l'impression d'Ãªtre rejetÃ©sÂ Â» https://t.co/iMvuvDiBYb	23 Jun 2016, 01:13 - CEST		0	NA
RussiaConnects	#BREXIT https://t.co/Om5ZfPLK8s	23 Jun 2016, 01:13 - CEST		1	NA
SFSU	Voters in the UK will decide on #Brexit tomorrow. An #SFSU expert explains what's at stake: https://t.co/7U3EiNAHkd https://t.co/fEzAz6vQxl	23 Jun 2016, 01:13 - CEST	San Francisco, CA	2	NA
KateHesk	Lying in bed and my heart rate is 78bpm all because of Brexit. Actually feel sick at the prospect #Fitbit #voteremain	23 Jun 2016, 01:13 - CEST	Merseyside, UK	0	negative
AnonCentroAmeri	RT @Wrath_01: Lies told to Norway before they rejected EU membership #Brexit #Voteleave https://t.co/2Vo1OXHDuq via @YouTube	23 Jun 2016, 01:13 - CEST		1	positive
theflyingmedic	@Scouriebeast @COLRICHARDKEMP @JodieActy I am suggesting the EU stops and it will. Then we can work with our free European partners. #Brexit	23 Jun 2016, 01:13 - CEST		0	NA

stephenmcmanus8	RT @RuthLeaEcon: Of course there'd be an EU trade deal if #Brexit. German BDI (CBI) head clear tariffs would damage German jobs. https://t.â€¦	23 Jun 2016, 01:13 - CEST		195	NA
PazUtzin	RT @thejohnhastings: If anyone is wondering if you do not attend my @edfringe show you are helping the part of Brexit you oppose	23 Jun 2016, 01:13 - CEST		2	NA
iLibTw	En anterior debate con Farage, Cameron hablÃ³ de la â€œCosta del Crimeâ€•[Sol]. Si hay algo bueno del #Brexit serÃa expulsar a mafia UK de ESP.	23 Jun 2016, 01:13 - CEST	EspaÃ±a (BCN is not CAT)	0	NA
neptunoopina	RT @LaVanguardia: Â¿QuÃ© opinarÃa Winston Churchill sobre el Brexit? https://t.co/GOBL0hjW7e https://t.co/5LQ62PGDhY	23 Jun 2016, 01:13 - CEST		7	NA
GCPa18th	#Brexit vote here we come.... Will I stay or will I go?	23 Jun 2016, 01:13 - CEST	SW PA	0	NA
EarthBabyYMagoa	RT @Mark_Beech: A propos @garbage and #Brexit posts tonight, heavy British rain might affect turnout? https://t.co/w4TFDekFXL	23 Jun 2016, 01:13 - CEST	Alaska	396	NA
vijayhre86	The theme today is all about disruptions.. Nothing could be more disruptive than Brexit atm!	23 Jun 2016, 01:46 - CEST		0	NA
MariaEsquirozMa	RT @muyinteresante: Â¿QuÃ© es el "Brexit"? Â¿QuÃ© consecuencias tendrÃa? Te lo contamos todo aquÃ: #Brexit https://t.co/R8L7edqRdk https://t.coâ€¦	23 Jun 2016, 01:46 - CEST		45	NA
mortalfool	BrexitNO. TexitYES!	23 Jun 2016, 01:46 - CEST	Brooklyn, NY	0	NA
cihat_metin	RT @eagencye: #Brexit Soros and CIA !	23 Jun 2016, 01:46 - CEST	#ATE #ANTÄ° FA #ACAB	1	NA
aihyah	Britain Doesn't Need the EU to Trade Rocking MrE #Brexit #VoteLeave #BBCdebate #EUreferendum https://t.co/zDcCYRdVP3	23 Jun 2016, 01:46 - CEST	Junckers Bottom	0	positive
Engesee	#ID23 #IndependenceDay #Brexit VOTE LEAVE	23 Jun 2016, 01:46 - CEST		0	positive
HarryBarwell6	If that vote is tomorrow I'm voting out coz 1 Funny 2 3 Bare heads crying about how were gonna die if we brexit	23 Jun 2016, 01:46 - CEST		0	NA
Eng_Observer	RT @jeremyforlabour: "The EU is not a benign or civilising force. It is a facilitator and enforcer of lending cartels" https://t.co/JWmFNEvâ€¦	23 Jun 2016, 01:46 - CEST	Lincolnshire	4	NA
topnuntious	Concerns over Brexit do not end at the English Channel https://t.co/MBd5abLyli https://t.co/K0XnAF3R39 via FT	23 Jun 2016, 01:46 - CEST		0	NA
skipsiperko	RT @ElVatoTeporocho: "Welcome to London, are you ready to convert or die?" #VoteLeave #Brexit https://t.co/7hsV0YKpNI	23 Jun 2016, 01:46 - CEST		12	positive

jenmili	RT @iamsrk: I c this trend in News where leaving of someone or something is headlined as Rexit or Brexit.So if I leave from sumwhere am Iâ€¦	23 Jun 2016, 01:46 - CEST	â¤â˜ºPERÃšâ˜ºâ•¤	2444	positive
MarkHollohead	Liz Huirley bares all to back Brexit https://t.co/QATyDOymiR @MailOnline.well done Liz.you are a true Brit.believe in Britain.#VOTELEAVE	23 Jun 2016, 01:46 - CEST	Liverpool, England	0	positive
GreenSamPAFC	RT @arjan____: the ones that stand to benefit from Brexit are unsavoury. Racism, nationalism and fascism benefit from Brexit	23 Jun 2016, 01:46 - CEST	Plymouth	5	NA
Toronto_nian	#Brexit . . . big deal! Planet earth will keep turning #Cartoon for laughs via @Toronto_nian Toronto's own! https://t.co/uITSzvJxp9	23 Jun 2016, 01:46 - CEST	Toronto The Good!	0	NA
belkgarri	RT @CNBC: UK Brexit campaign's lead narrows ahead of referendum: TNS poll https://t.co/w7WRb2R0lF	23 Jun 2016, 01:46 - CEST		5	NA
JJDoomydas	RT @Mark_Beech: A propos @garbage and #Brexit posts tonight, heavy British rain might affect turnout? https://t.co/w4TFDekFXL	23 Jun 2016, 01:46 - CEST	Maine	767	NA
stevegb0071	UK WAR VETERANS SLAM PLANS FOR EMERGING EU ARMY AHEAD OF BREXIT VOTE https://t.co/Tv8DNzprXY via @YouTube	23 Jun 2016, 01:46 - CEST	U.K	0	NA
DarioAtencioA	@guardian has presented a summing up of its point of view about #Brexit vote tomorrow's. "Vote to Remain" and Why? https://t.co/GdXNtVYLFp	23 Jun 2016, 01:46 - CEST	Manhattan, NY and Panama.	0	negative
SamBaker	RT @jpublik: That #Brexit manifesto in Private Eye #VoteRemain #EUref https://t.co/QU1fjwvk6G	23 Jun 2016, 01:46 - CEST		2295	negative
MitulRach1	Today is the Day, Who is everyone going to vote for?? BREXIT or REMAIN?? Who will you vote for??	23 Jun 2016, 01:46 - CEST		0	negative
TheCutbanks	Thanks CBC 'It's a dead heat': What you want to know about the Brexit vote https://t.co/SMVZETx8fQ #Brexit	23 Jun 2016, 02:20 - CEST	Prince George, BC	0	negative
Lesism	RT @ethicistforhire: Can't believe it's called Brexit, and not EUthanasia...	23 Jun 2016, 02:20 - CEST	Carlisle, England	39	negative
Candyo4u249	RT @AMTrump4PRES: I'd like 2 dedicate this tweet 2 former lovely cultures that will only B found between the pages of a book. #Brexit httpsâ€¦	23 Jun 2016, 02:20 - CEST	Connecticut, USA	180	positive
marketstocknews	New post: "Traders: Here's where to find some protection for your portfolio ahead of Brexit" https://t.co/kDAMhZGaJv	23 Jun 2016, 02:20 - CEST		0	positive
marketstocknews	New post: "How are you positioned ahead of the Brexit referendum?" https://t.co/5tzxHffYEX	23 Jun 2016, 02:20 - CEST		0	positive
moshtag2030	RT @alexbland: #Brexit #IndependenceDay https://t.co/v9TrmBwSZg	23 Jun 2016, 02:20 - CEST		7	neutral
Charlie_Ledezma	RT @PeterLBrandt: #FACTORMEMBERS Going home tonight prior to #BREXIT with lightest leverage in 18 mos. at 5% margin to equity and no financâ€¦	23 Jun 2016, 02:20 - CEST	Panama	9	negative
marketstocknews	New post: "Cramer: Brexit fears are totally overblown" https://t.co/4ZqkAMAb5N	23 Jun 2016, 02:20 - CEST		0	negative

clairebotai	RT @Spock_Capt: In the Science of Civilizations, Brexit Is the European Unionâ€™s Reckoning https://t.co/HxTKQiV2cw #geek #tech	23 Jun 2016, 02:20 - CEST		1	neutral
PapaSonsFilm	If this storm isn't telling you that Brexit is doomed then... well, we are doomed.	23 Jun 2016, 02:20 - CEST	London	0	negative
Spock_Capt	In the Science of Civilizations, Brexit Is the European Unionâ€™s Reckoning https://t.co/HxTKQiV2cw #geek #tech	23 Jun 2016, 02:20 - CEST	Paris	1	neutral
jacobward_11	RT @mikeudem: #Stocks close lower as #WallStreet #countsdown to #Brexit #vote https://t.co/p795Av9GXK https://t.co/OFevR32dxd	23 Jun 2016, 02:20 - CEST	Stamford, CT	1	negative
ekatloy	RT @mz_understuud: @PrisonPlanet saw some saying if you're undecided on #Brexit then vote Remain coz you guys can always have another vote.â€¦	23 Jun 2016, 02:20 - CEST		1	negative
VaseCommunicant	RT @theintercept: If British voters choose to leave the EU this week, it will push the continent back toward nationalism. https://t.co/48Gqâ€¦	23 Jun 2016, 02:20 - CEST		69	positive
federalnews24	Fed's Yellen says no special meetings scheduled over Brexit #Yellen #Brexit... https://t.co/N718bknyod	23 Jun 2016, 02:20 - CEST		0	negative
PropertyFundsAU	Hear what @YieldReport has to say about the Brexit referendum check out the link https://t.co/XVX0W0sgAT	23 Jun 2016, 02:20 - CEST	500, Collin St, Melbourne, VIC	0	positive
duchessofvisser	tomorrow is the day when they decide if they #brexit	23 Jun 2016, 02:20 - CEST	Bahamas	0	neutral
hw_renewe	RT @DerorCurrency: In two brief, perspicacious paragraphs, @ProfSteveKeen nails the reason to #Brexit. https://t.co/4gjfvD0FhH https://t.câ€¦	23 Jun 2016, 02:20 - CEST		64	neutral
3tyl	Brexit Brexit Brexit, ich hÃ¶r immer nur #Brexit. Mir doch egal in welche LÃ¤nder die EUGelder flieÃŸen. #VoteLeave	23 Jun 2016, 02:20 - CEST	Germany	0	positive
marketstocknews	New post: "Markets caught in limbo ahead of Brexit vote" https://t.co/g6GtnCnfhe	23 Jun 2016, 02:20 - CEST		0	negative
DS_Investools	Be sure to check out tonight's Market Forecast by Blake Young our resident #forex expert @Investools #Brexit https://t.co/uAWkjehF1I	23 Jun 2016, 02:37 - CEST	USA	0	positive
wmiddelkoop	RT @adamjlent: Good chart from Morgan Stanley showing surge of populist parties in Europe. #Brexit will boost them further. #EUref https://â€¦	23 Jun 2016, 02:37 - CEST	markets-geopolitics-energy	18	positive
Hope_for_Sanity	RT @FactDeJour: We'll either be Eurotrash or lonely Brits 2moro & the fun bit is, nobody has a single solitary clue which is lesser evil #Bâ€¦	23 Jun 2016, 02:37 - CEST	Knoxville,TN to Leeds,England	2	negative
Dmol8	RT @CharlesPHoffman: Okay, rant over. Return to your regularly scheduled freakout about the Brexit referendum.	23 Jun 2016, 02:37 - CEST		1	neutral

katestewart_	RT @louteasdale: Watch @billiejdporter tonight on Newsnight talking about #brexit #voteremain channel 4 at 9pm X	23 Jun 2016, 02:37 - CEST	Instagram~ katestewart_	235	negative
yudhaueeo	Inggris Gelar Referendum 'Brexit' Hari Ini: Diperkirakan 46,5 juta orang berhak ambil bagian dalam... https://t.co/Ds7Dhxos29	23 Jun 2016, 02:37 - CEST	San Francisco	0	neutral
sparkyofAlberta	RT @CBCNews: 'It's a dead heat': What you want to know about the Brexit vote https://t.co/ZV51GeqdLF https://t.co/N2lpbv2ddd	23 Jun 2016, 02:37 - CEST	Swift Current, Saskatchewan	14	negative
Love_Catford	I know everyone is joking about the Brexit thunderstorm but has anyone looked outside recently....	23 Jun 2016, 02:37 - CEST	Catford, SE6	0	neutral
Stormkat454	RT @sturdyAlex: Selina Scott's case for #Brexit after Sheila Hancock's case for #Remain is like eating the best steak and then eating the pâ€¦	23 Jun 2016, 02:37 - CEST		101	negative
SandraZuccaro1	A slush fund paying off countries to try and stop a tidal wave Merkel. We're be calling you Canute https://t.co/CrRHEj4PAp #Leave #Brexit	23 Jun 2016, 02:37 - CEST		0	positive
INVUQT	RT @TheRebelTV: Is #Europe dying? Is 'Identitarian' movement the cure? @Lauren_Southern https://t.co/OKMKl0sqJs #tcot #Brexit https://t.co/â€¦	23 Jun 2016, 02:37 - CEST	Canada	25	negative
mjcooper101	RT @jpublik: That #Brexit manifesto in Private Eye #VoteRemain #EUref https://t.co/QU1fjwvk6G	23 Jun 2016, 02:37 - CEST	England	2323	negative
Greg_5mith	RT @Stop_The_EU: Freedom to remove all EU fishing quotas, revoke the CFP & rebuild Britain's once thriving fishing industry #Brexit https:â€¦	23 Jun 2016, 02:37 - CEST		177	positive
Hammers1010Alex	RT @LeaveEUOfficial: .@ElizabethHurley is voting LEAVE tomorrow are you? #Brexit #VoteLeave #EUref https://t.co/va71MYUtMK	23 Jun 2016, 02:37 - CEST	âš' fantastic Harlow âš'	380	positive
Spent_Brass	â™ #LetsGo! @BREXIT: #IndependenceDay for @Britain? https://t.co/DiDC3KCwd6 via @YouTube	23 Jun 2016, 02:37 - CEST	United States, Wisconsin	0	positive
moneyspinner	RT @Nin_Matharu: UK EU Referendum 2016 Why I'm Voting #Brexit https://t.co/slsTw2Z3Pc	23 Jun 2016, 02:37 - CEST	BIRMINGHAM, UK	2	neutral
piedmontian11	RT @XxPLWxX: PLEASE RT!! Juncker confirms there'll be NO reform if we stay in the EU https://t.co/yqokYbJQGH We absolutely MUST #Brexit #Voâ€¦	23 Jun 2016, 02:37 - CEST	Athens, TX	168	positive
Henayti	RT @liputan6dotcom: Inggris Gelar Referendum 'Brexit' Hari Ini https://t.co/HcD3S8AVlT https://t.co/GeQ9tsrU6D	23 Jun 2016, 02:37 - CEST	Tangerang, Indonesia	1	NA

xyzcompany inc	Why the United Kingdom leaving the EU would infuriate the tech industry https://t.co/svoAGsFlXP	23 Jun 2016, 02:37 - CEST		0	negative
dkenstone	RT @roomdesign3: TRAITORS TO THE UNITED KINGDOM/ALL FUTURE GENERATIONS/REJECT GRAB YOUR FREEDOM #BREXIT SPREAD THE WORD @FeistyDeanne https â€¦	23 Jun 2016, 02:37 - CEST	Nantong City, Jiangsu, China	16	negative
juneimmelman	RT @IngrahamAngle: Bono, Beckham & every other global celeb in Britain ag #Brexit. Follow the $> globalization great for them, horrid forâ€¦	23 Jun 2016, 02:54 - CEST	Orlando, FL	242	negative
gas_bill	Final #Brexit Appeals Made as Polls Diverge on Referendumâ€™s Eve https://t.co/qjTf8JRl3E	23 Jun 2016, 02:54 - CEST	Dallas/Ft. Worth â€¢ New York	0	neutral
dieterzakel	I back BREXIT, and please don't forget to hang Juncker https://t.co/I6KCR2yMmZ	23 Jun 2016, 02:54 - CEST	Port Moresby	0	negative
JasonDeFuria	In the Science of Civilizations, Brexit Is the European Unionâ€™s Reckoning https://t.co/xZlZO6Izgn	23 Jun 2016, 02:54 - CEST	Cherry Hill, NJ	0	neutral
pazgabela	Brexit: ReferÃ©ndum entre la derecha neoliberal y la derecha neofascista. Â¿Y la izquierda? https://t.co/p6drfvsqks	23 Jun 2016, 02:54 - CEST	Asturias	0	negative
KolbSchmitt	RT @ElyseeMarine: Choisissez la libertÃ© et non la soumission UE ! #Brexit #Leave https://t.co/na5pS5FnR0	23 Jun 2016, 02:54 - CEST		33	positive
abcnews	RT @naomiwoodley: .@TurnbullMalcolm: "It would be a very big shock, no doubt about it, if Britain votes to leave the EU. @abcnews #brexit #â€¦	23 Jun 2016, 02:54 - CEST	Australia	3	positive
ABCElections	RT @naomiwoodley: .@TurnbullMalcolm: "It would be a very big shock, no doubt about it, if Britain votes to leave the EU. @abcnews #brexit #â€¦	23 Jun 2016, 02:54 - CEST	Australia	3	positive
parishatzi	STEPHEN GLOVER: Why I'm voting Brexit because it could RESCUE the EU, not destroy itÂ https://t.co/LKfTjPLvrO	23 Jun 2016, 02:54 - CEST	Athens - Nicosia	0	neutral
Genetlv	In the Science of Civilizations, Brexit Is the European Unionâ€™s Reckoning https://t.co/stcLZ3a76t via @WIRED	23 Jun 2016, 02:54 - CEST		0	neutral
chntypdwrm	Inggris Gelar Referendum 'Brexit' Hari Ini: Diperkirakan 46,5 juta orang berhak ambil bagian dalam... https://t.co/LL589ypLrd	23 Jun 2016, 02:54 - CEST	ÃœT: -6.543387,107.442888	0	neutral
AbdirahmanAliUK	RT @Independent: Final EU referendum poll shows Remain with significant lead https://t.co/v72FEEz7Pd	23 Jun 2016, 02:54 - CEST		300	negative
ez_jokka	RT @elizabethholds: Is this crazy storm in London some kind of sign of impending doom? #Brexit #Trump #Apocalypse	23 Jun 2016, 02:54 - CEST	London	1	negative
Yoostin	What's more likely. UK Parliament voting to remove employment rights. Or EU amending regulation, so forcing UK to remove rights? #brexit	23 Jun 2016, 02:54 - CEST	Llanelli, Wales, UK	0	negative

znk8	RT @laprensaoem: La decisiÃ³n de #DavidBeckham sobre el #Brexit #UnionEuropea #ReinoUnido #ENG https://t.co/RTDms6023e	23 Jun 2016, 02:54 - CEST	Mexico D.F.	1	neutral
villain2007	RT @LouiseMensch: German CBI: no tariffs after we #voteleave. Die Welt newspaper endorses Leave for the UK. VorsprÃ¼ng durch #Brexit https:/â€¦	23 Jun 2016, 02:54 - CEST	eastern block.	903	positive
aarianto10	Inggris Gelar Referendum 'Brexit' Hari Ini: Diperkirakan 46,5 juta orang berhak ambil bagian dalam... https://t.co/jUYlkqetVM	23 Jun 2016, 02:54 - CEST	World	0	neutral
TegenH	RT @zoowitchproject: Gods angry at potential #brexit, make feelings known with violent #thunder storm in London! Appease gods, vote #remain	23 Jun 2016, 02:54 - CEST		4	negative
KellerZoe	Something Strange Emerges When Looking Behind The "Brexit" Bookie Odds | Zero Hedge https://t.co/pD41DK0V4E	23 Jun 2016, 02:54 - CEST		0	neutral
francreynel	RT @inthemoodfortw: Ouinon, graffiti sur la route, Paris, 1945 Â© Paul Almasy #Brexit https://t.co/9VfVJzOdDE	23 Jun 2016, 02:54 - CEST	Paris	18	neutral
txblondegrad	RT @Forbes: Poll: 80% of Americans think Britain should leave the EU https://t.co/EPNk488c9h https://t.co/3mqaV8v5KD	23 Jun 2016, 02:55 - CEST	32.786456,-96.97525	280	positive
AyakTracks	That's that 'stop your stupidness bout brexit' Thunder & Lightning #VoteProper #GodsTakingSelfies	23 Jun 2016, 02:55 - CEST		0	neutral
buttonhole1	RT @LeaveEUOfficial: #VoteLeave tomorrow for our independence! #EUref #Brexit https://t.co/upHsaXVzV4	23 Jun 2016, 02:55 - CEST		357	positive
KenHaley2	In event of #Brexit UK is holding all cards & EU powerless.THE EU CANNOT START TRADE WAR.THE EU CANNOT PUNISH UK https://t.co/FOMFOkySx3	23 Jun 2016, 02:55 - CEST		0	neutral
cactusscrusader	RT @marios_bn: Îš Î±ï„Î¬ Î¬Î»Î±Î²Îµï‚ ï„Î¿ Î½Î¬ Î½Î¿ Î¾Î¹ Î½Î¿ Î½Î¿Î¼Î¿Î¸Î¿Ï…Î½ Ï€Î¿Ï• ÏƒÎµ Ï€Î³Î±Î¹Î½Î¿Ï½ Î½Î¿ï½; #bremain #brexit #grexit #ÎŸÎ§Î™2015 https://t.co/3ASzNZsucC	23 Jun 2016, 02:55 - CEST	greece Athens	190	negative
accordingtopun	if they brexit we will be forced to lift more to pick up the slack!! #USAmerica @nyhrc	23 Jun 2016, 02:55 - CEST		0	negative
Avalon262	RT @Mrforestmoon: To our uk friends across the pond #Brexit and take your country back	23 Jun 2016, 02:55 - CEST	Hastings	1	positive
MiketheSpike	RT @seedy181: Voting to remain is effectively treason #Brexit #Voteleave https://t.co/K5KrMxmvZG	23 Jun 2016, 02:55 - CEST	USA	9	positive
Advisorbox Media	RT @business: This stock trader who made 6,200% in China isn't worried about Brexit https://t.co/kATgnhWtt2 https://t.co/AUDj7wjkfa	23 Jun 2016, 02:55 - CEST	Breckenridge,CO	15	neutral
Sgt_Rock68	#VoteLeave #Brexit https://t.co/nnyCRNB5ew	23 Jun 2016, 02:55 - CEST	50.9692224Â° N 0.08939510Â° E	0	positive

ricardofigueira	RT @AndrewBloch: PR Stunt of the Day Tattoo Shop offers free Brexit tattoos to highlight the permanence of voting leave https://t.co/pcjdâ€¦	23 Jun 2016, 02:55 - CEST	London, UK	53	positive
DepthOfTwilight	RT @CaucasianAllure: The darkness is taking over the light. The migrants are taking over Europe. #Brexit #VoteLeave #StandUpForEurope hâ€¦	23 Jun 2016, 02:55 - CEST	Far Far Away	14	positive
CLIENTEIGHT	.....how many faceberg likes does #Brexit have	23 Jun 2016, 02:55 - CEST	southern california	0	neutral
zesty_finance	Australia shares to get opening lift from Brexit polls https://t.co/Kvk1FlvIkC #Finance https://t.co/jWJCMRXRSx	23 Jun 2016, 02:55 - CEST	New York, NY	0	neutral
BLang71	RT @V_of_Europe: Your country needs YOU: Vote Leave today to make Britain even greater https://t.co/NXFjXxIrtI	23 Jun 2016, 02:55 - CEST	United States	24	positive
AlMHIGH1	RT @Inst_4_Studies: This guy will be voting Remain. A charlatan voting for charlatans. Unacceptable. #Brexit https://t.co/1m5IDGxAuB	23 Jun 2016, 02:55 - CEST	sarf london	12	negative
NewsdeskMONEY	RT @NewsdeskBIZ: Vote remain and weÂ´ll forgive you for 1966! German newspaper wade into Brexit debate Soccerway https://t.co/lUuoiGrpIh	23 Jun 2016, 02:55 - CEST		1	negative
adventurewmike	RT @afpfr: #Brexit: suspense total et derniÃ¨res mises en garde Ã quelques heures du rÃ©fÃ©rendum https://t.co/YTf2M0q0ml #AFP https://t.co/yâ€¦	23 Jun 2016, 02:55 - CEST	Kansas	18	negative
tulio1987	#fb Wednesday, June 22nd, 2016 Brexit: Remain, House Sit In, Illegal Bingo, Matchâ€¦ https://t.co/aIs5hhOeD8	23 Jun 2016, 02:55 - CEST	GUÃ•RICO VENEZUELA.	0	negative
josiefey	RT @missingfaktor: Brexit. Grexit. Departugal. Italeave. Fruckoff. Czechout. Oustria. Finish. Slovakout. Latervia. Byegium.	23 Jun 2016, 02:55 - CEST	Portland, OR	4061	positive
2happy2man	RT @Vixen_chick: Let today be Britain's Independence Day, Vote #Brexit Better Great Britain rather than the 28th State of Europe https://t.â€¦	23 Jun 2016, 02:55 - CEST		2	positive
SanDisH	Sleepless in the City Lets Traders Bet Billions on Brexit Result Bloomberg https://t.co/VttnqoDrj8	23 Jun 2016, 02:55 - CEST	Venus	0	negative
ArchivePerform	RT @refugee_archive: Very pleased to have a stimulating day @UEL_Library Ends w/ great roundtable #Brexit #DifferentPastsSharedFutures htâ€¦	23 Jun 2016, 02:55 - CEST	London, England	2	positive
Angelisse007	RT @bare_digital: In the Science of Civilizations, Brexit Is the European Unionâ€™s Reckoning https://t.co/SLrDA1GwOy #tech #wired https://t.â€¦	23 Jun 2016, 02:55 - CEST	Tampa, FL	7	neutral
NaeemSiddiqui84	RT @V_of_Europe: Farageâ€™s final rallying call: â€˜Itâ€™s us versus the Establishment go and vote for Britain' https://t.co/LfRgbPr9PF	23 Jun 2016, 02:55 - CEST		19	neutral
LynannMarie56	RT @theghissilent: I just want to know how the #Brexit will impact getting Doctor Who back on @netflix...	23 Jun 2016, 02:55 - CEST	Bay Area, CA	3	negative

NaeemSiddiqui84	RT @V_of_Europe: Your country needs YOU: Vote Leave today to make Britain even greater https://t.co/NXFjXxIrtI	23 Jun 2016, 02:55 - CEST		24	positive
ravicyp	RT @ajay_mahil: This is God warning you about a brexit	23 Jun 2016, 02:55 - CEST		2	negative
helen_f_b	Lotta people on Twitter reckon the storm is God supporting Brexit, or alternately God supporting remain.	23 Jun 2016, 02:55 - CEST	London	0	negative
chass2008	RT @AMTrump4PRES: I'd like 2 dedicate this tweet 2 former lovely cultures that will only B found between the pages of a book. #Brexit httpsâ€¦	23 Jun 2016, 02:55 - CEST		227	positive
r_fh_v	RT @danielayllon: Ojo a las portadas de la prensa britÃ¡nica de maÃ±ana. Esto es posicionarse y no lo de EspaÃ±a. #Brexit #BrexitOrNot https:/â€¦	23 Jun 2016, 02:55 - CEST	(Ahora) Madrid	76	positive
BorderKeroro	RT @V_of_Europe: Your country needs YOU: Vote Leave today to make Britain even greater https://t.co/NXFjXxIrtI	23 Jun 2016, 02:55 - CEST		24	positive
AllahuOmar	@CharleyyRachael I'd tell her to vote for Trump. But she's a useless brit. So she can vote for Brexit.	23 Jun 2016, 02:55 - CEST		0	negative
FBastiat1	RT @FrenchForTrump: #BREXIT VOTE MAKE UK GREAT AGAIN TIME TO LEAVE EU #MakeEuropeGreatAgain THIS IS OUR FREEDOM #MakeAmericaGreatAgain htâ€¦	23 Jun 2016, 02:55 - CEST		370	positive
peterson_alyx	RT @AmbJohnBolton: Britain is our strongest and most important European ally & #Brexit would promote the revitalization of western security.	23 Jun 2016, 02:55 - CEST		278	positive
lucy_meakin	RT @markets: Pound Reaches Highest Level of 2016 on Eve of U.K. Brexit Voting https://t.co/goDSmBZoW5 https://t.co/9HUxUzSphj	23 Jun 2016, 02:56 - CEST	London	21	neutral
andrewnappi	RT @FrenchForTrump: #BREXIT VOTE MAKE UK GREAT AGAIN TIME TO LEAVE EU #MakeEuropeGreatAgain THIS IS OUR FREEDOM #MakeAmericaGreatAgain htâ€¦	23 Jun 2016, 02:56 - CEST	Occupied Florida	372	positive
ConsumerFYI	#Remainers' US "partners" | The #FederalReserve is Pushing The #Economy to â€œThe Verge of Final Implosionâ€• https://t.co/xFhR9HvpaI #Brexit	23 Jun 2016, 02:56 - CEST	US, Africa, EU	0	negative
Efekto10	MÃ©xico y el â€œBrexitâ€• la columna de @JuanCLastiri https://t.co/OIbmeAWehE	23 Jun 2016, 02:56 - CEST		0	neutral
roxylovesluc y	RT @JaredWyand: BRITISH MUSLIMS POLL: 66% say they wouldn't warn of a terrorist attack #Brexit #EUref #TrumpSpeech #NoBillNoBreak https:â€¦	23 Jun 2016, 02:56 - CEST	Indiana	255	negative

KiartivichSC	RT @PetroleumEcon: Brexit: The UK will probably vote to stay, but oil markets fear the potential fallout (FREE) https://t.co/tMGPzaTUos httâ€¦	23 Jun 2016, 02:56 - CEST		13	negative
RossFrenett	Jesus lads, this ominous pre referendum thunder storm is, well... ominous #Brexit #thunder	23 Jun 2016, 02:56 - CEST	London	0	negative
Lady_Sappho	RT @peacelovedixie: If you are British, I don't know how you can watch this and even consider voting remain. #brexit #VoteLeave https://t.â€¦	23 Jun 2016, 02:56 - CEST		2	neutral
Bigdatahires	Very interesting! Inferences drawn from #BigDataAnalytics done on #Brexit is contrary to mainstream #media sentiment https://t.co/Cq24WgzTZ7	23 Jun 2016, 02:56 - CEST	Chicago, USA	0	positive
Hedgeye	Cartoon of the Day: Enough Already! Get our daily cartoon emailed for free: https://t.co/9UayxdPCQF #Brexit https://t.co/8kxPiqPYZH	23 Jun 2016, 02:56 - CEST	Stamford, Connecticut	0	negative
memosquera	RT @SCabreraS: FrenÃ©tico final de campaÃ±a para convencer al 10% de indecisos. Cameron podrÃa sufrir las consecuencias de un Brexit https://â€¦	23 Jun 2016, 02:56 - CEST	Venezuela	14	negative
khunmilk	RT @moui: à¹€à¸§à¸¥à¸²à¸„à¸™à¹„à¸— à¸¢à¸”à¹à¸ªà¸à¹à‰à¸›à¸„à¸„à¹^à¸²à¸§ "à¸›à¸£à¸°à¸Šà¸²à¸¡à¸•à¸´" à¹€à¸£à¸·à¹^à¸à¸‡ Brexit à¸— à¸µà¹^à¸—à¸³à¸à¸à¸à¸¡à¸²à¸¥à¸°à¹€à¸- à¸µà¸¢à¸”à¸¡à¸²à¸™à¸µà¹^à¹„à¸¡à¸¡à¸£à¹‰à¸•à¸à¸à¸à¸«à¸£à¸à¸„à¸±à¸šà¸§à¹^à¸² "à¸›à¸£à¸°à¸Šà¸²à¸¡à¸•à¸´" à¸šà¹‰à¸²à¸™à¹€à¸£à¸²à¸¡à¸±à¸™à¹„à¸„„à¸£à¸à¸•à¸£à¸œà¸´à¸” à¸›à¸à¸•à¸´à€¦
IndeCardio	RT @elohimis1: Trade barriers postBrexit would be 'foolish', says German businessman https://t.co/fddFBIIx8y via @MailOnline	23 Jun 2016, 02:56 - CEST		1	negative
vilma_pooh	RT @MUDDLAW: The latest Veritas International! https://t.co/Tg5dmcrjBE #brexit #euref	23 Jun 2016, 02:56 - CEST	Puerto Rico	2	neutral
iVoteLeave	RT @Australiaunwra6: On eve of Brexit vote, rival camps race to win over undecideds https://t.co/0zFetC6psQ tomorrow get out and #VoteLeaveâ€¦	23 Jun 2016, 02:56 - CEST	UK, not EU	4	positive
LadyConservativ	RT @chuckdevore: Hoping that our British cousins across the pond declare their independence 240 years after we declared ours. #Brexit	23 Jun 2016, 02:56 - CEST	North Carolina	5	positive
parti7sano	RT @bbcmundo: Â¿QuÃ© es el Brexit?: 7 preguntas clave para entender el referendo en Reino Unido https://t.co/BkB7XCg8Oo https://t.co/ax2hqVIIâ€¦	23 Jun 2016, 02:56 - CEST		22	positive
Custstard	RT @afneil: Head of German Industry: postBrexit trade barriers would be "very, very foolish"; urges "trade regime to maintain levels of trâ€¦	23 Jun 2016, 02:56 - CEST		1674	negative
PW_75	Nach der Meldung, dass alle Brexit Volksentscheide komplett folgenlos sind, werden alle Meldungen und Warnungen zu einem grossen LOL WTF	23 Jun 2016, 03:13 - CEST	Deutschland	0	negative

roysimangunsong	RT @fgvdapp: Should I stay or should I go: British are divided on @Twitter about leaving the EU https://t.co/RqwOiyGGsb #EURef https://t.coâ€¦	23 Jun 2016, 03:13 - CEST	Indonesia	12	negative
bbpsn_	RT @jin_nation: à¹€à¸£à¸·à¹^à¸-à¸‡à¹fà¸«à¸à¹^à¸§à¸±à¸™à¸™à¸µà¹‰ #Brexit à¸-à¸±à¸‡à¸à¸¤à¸©à¸›à¸£à¸°à¸Šà¸²à¸¡à¸•à¸´à¸-à¸à¸^à¸²à¸à¸à¸µà¸¢à¸¹, "à¸‹à¸¹à¸^à¸µ" à¹€à¸¢à¸·à¸-à¸™à¹„à¸—à¸±à¸±à¸šà¸•à¸²à¹€à¸¢à¹‡à¸™à¹† à¸šà¸£à¸¢à¸²à¸•à¸²à¸¨à¸—à¸µà¹^à¸¡à¸«à¸²à¸Šà¸±à¸¢ #nna https://t.co/HLOJLO5DSy	23 Jun 2016, 03:13 - CEST		29	neutral
yayayamamoto	RT @TheEconomist: Would foreign students apply to business schools in the UK after a Brexit? https://t.co/tn7kX34cia https://t.co/sb9DpjEPzS	23 Jun 2016, 03:13 - CEST	Hong Kong	44	neutral
DISCOVERY_Bali	RT @alexbland: #Brexit #IndependenceDay https://t.co/v9TrmBwSZg	23 Jun 2016, 03:13 - CEST	Kuta - Bali	15	neutral
kerrijacobi	RT @AllenWestArmy: Latest Brexit Poll Shows Massive Swing To Leave EU: Referendum In 12 Days https://t.co/ySvreqZQhI via @BarracudaMama	23 Jun 2016, 03:13 - CEST	Lake Charles, LA	19	positive
Wicked3s	RT @INTJutsu: If the UK doesn't get out now, there won't be another chance, as their country will be overrun & ruined #BREXIT #UK https://tâ€¦	23 Jun 2016, 03:13 - CEST	Vegas, USA	56	negative
catcherbloc	RT @ReutersBiz: Asia stocks, sterling rise as Brexit anxiety abates https://t.co/5Z7QsRREhI	23 Jun 2016, 03:13 - CEST	Jamaica	7	neutral
ForeverReagan	RT @AllenWestArmy: Latest Brexit Poll Shows Massive Swing To Leave EU: Referendum In 12 Days https://t.co/ySvreqZQhI via @BarracudaMama	23 Jun 2016, 03:13 - CEST	Texas (a.k.a. Gods Country)	19	positive
rhcm123	Also reminder that Putin is [probably] using the SVR to influence the #Brexit debate in a proLeave way. Wonder why	23 Jun 2016, 03:13 - CEST	getting coffee	0	positive
US_Threepers	RT @bluehand007: This will be our finest day.. I am confident.. #Brexit #Voteleave #Bluehand	23 Jun 2016, 03:13 - CEST	Nebraska, USA	13	positive
netzlesen	[AMTV] BREXIT to Collapse Eurozone (WARNING!!) â€“ #NWO https://t.co/fDs0imD2cW	23 Jun 2016, 03:13 - CEST		0	negative
AK47_LFC	RT @MoAnsar: Incredibly, I've heard of some poor Muslims considering Brexit, utterly unawares it's being lead by the antiMuslim far right!â€¦	23 Jun 2016, 03:13 - CEST		13	negative
abdulmalig	RT @somkiatonwimon: 1.à¸•à¸²à¸¡à¸"à¸¹à¸•à¸²à¸£à¸—à¸³à¸›à¸£à¸°à¸Šà¸²à¸¡à¸•à¸´ BrExit à¸§à¸±à¸™à¸™à¸µà¹‰à¹€à¸£à¸·à¹^à¸à¸±à¸-à¸±à¸‡à¸à¸¤à¸©à¸^à¸°à¸à¸à¸•à¸«à¸£à¸·à¸à¸¡à¸¡à¸¡à¸¡à¸à¸^à¸²à¸ EU à¸šà¸—à¹€à¸£à¸µà¸¢à¸™à¸ªà¸³à¸«à¸£à¸±à¸šà¸„à¸ªà¸Š.à¸„à¸·à¸-à¸à¸£à¸°à¸šà¸§à¸™à¸•à¸²à¸£à¸—à¸³à¸›à¸£à¸°à¸Šà¸²à¸¡à¸•à¸´à¸£à¸—à¸³à¸›à¸£à¸°à¸šà¸§à¸™à¸•à¸²à¸£à¸¶à¸•à¸²à¸£à¸¶à¸©à¸²â€¦	23 Jun 2016, 03:13 - CEST	14.149305,100.612188	12	negative
patricer18	RT @MLP_officiel: J'Ã©tais ce soir l'invitÃ©e du 20h de @TF1. #LoiTravail #Brexit #MLPTF1 https://t.co/uIKIUoTnAj	23 Jun 2016, 03:13 - CEST		425	neutral

TBS907	RT @geraldcelente: Paul Craig Roberts Just Exposed The Terrifying Reason Why The Elites Had To Stop Brexit At All Costs @KingWorldNews httâ€¦	23 Jun 2016, 03:13 - CEST	dirty doon	12	negative
JosephD4al	RT @AllenWestArmy: Latest Brexit Poll Shows Massive Swing To Leave EU: Referendum In 12 Days https://t.co/ySvreqZQhI via @BarracudaMama	23 Jun 2016, 03:13 - CEST	Madison, Alabama	19	positive
SmartEnergyApp	In the Science of Civilizations, Brexit Is the European Unionâ€™s Reckoning https://t.co/Ry92WlzZJy #wired https://t.co/uwJfw9DVml	23 Jun 2016, 03:13 - CEST	USA	1	neutral
CNBCi	Brexit could slam a group of countries nobodyâ€™s talking about https://t.co/fdDLJr8h1o	23 Jun 2016, 03:30 - CEST	London & Singapore studios	0	negative
ForeignAffairs	The roots of the divisions over Brexit: https://t.co/MKs9IfMjnU	23 Jun 2016, 03:30 - CEST	New York, NY	0	neutral
bankzzzgtr	à¹„à¸¡à¹ˆà¸§à¹ˆà¸² #Brexit à¸ˆà¸°à¹€à¸à¸´à¸”à¸-à¸°à¹„à¸£à¸¡à¸¶à¹‰à¸™ à¹„à¸¥à¸à¸§à¸±à¸™à¸™à¸£à¸£à¸¸à¹ˆà¸‡à¸™à¹‰à¸•à¹‰à¸à¸§à¸¥à¸µà¹ˆà¸¢à¸µà¹ˆà¸¢à¸µà¸›à¹‰à¸™à¹ˆà¸™à¸™	23 Jun 2016, 03:30 - CEST	Bangkok, Thailand	0	neutral
NealCassady64	RT @FightingTories: Today @ABCNews24 has plenty about #Brexit polls but ZERO about these polls https://t.co/sYVYqiQL9I	23 Jun 2016, 03:30 - CEST	Falcon Bay Australia	1	negative
daliarw	Belgian PM calls for EU meeting after Brexit vote https://t.co/JakPcL1UXr via @POLITICOEurope	23 Jun 2016, 03:30 - CEST		0	neutral
FXS_Stocks_RU	Brexit Ð³Ð¾Ð»Ð¾Ð²Ð½Ð¾Ð³Ð¾ Ð¼Ð¾Ð·Ð³Ð° #Ð¢Ð¾Ð²Ð°Ñ€Ñ‹ #ÐÐºÑ†Ð¸Ð¸ #Ð¤Ð¡Ð½Ð°Ð½Ñ‹ #Ð¤Ð¾Ñ€ÐµÐºÑ• #EUR #USD #JPY https://t.co/K1dtjIazCC	23 Jun 2016, 03:30 - CEST		0	neutral
ManLikeFabregas	MaÃ±ana voto Leave. #VoteLeave #Brexit	23 Jun 2016, 03:30 - CEST	Antigua RepÃºblica Yugoslava de	0	positive
elsolde_mexico	#Finanzas Brexit preocupa a la economÃa de EU: Casa Blanca https://t.co/pESct4tNle https://t.co/aLfT9YvnRd	23 Jun 2016, 03:30 - CEST	Ciudad de MÃ©xico	0	negative
EaZyForm	Brexit: Heute SchicksalsTag fÃ¼r Europa: Ã–STERREICH: Heute stimmen 45 Millionen inâ€¦ https://t.co/xVGjj0KptN	23 Jun 2016, 03:30 - CEST	Augsburg Germany	0	negative
smackey6789	RT @andrew_lilico: How supporters of Remain hope fans of Brexit feel by 2025:https://t.co/lsRopFSYXX	23 Jun 2016, 03:30 - CEST		2	negative
dd9000	RT @JohnTirman: Those shocked by #Brexit strength: every European country in 193040s had a popular, native fascist party. The Liberal ordeâ€¦	23 Jun 2016, 03:30 - CEST	USA	4	negative

smitty_one_each	Forget Project Fear. Be positive. Choose dynamism. Choose BrexitÂ | via @telegraphnews https://t.co/epL0KBSMLO	23 Jun 2016, 03:30 - CEST	NOVA	1	positive
cnnphilippines	The nonBrits guide to Brexit https://t.co/VJ84CsZH8Y https://t.co/fIXxXy6kRD	23 Jun 2016, 03:30 - CEST		0	neutral
tableaupublic	For #politicsdatamonth, @sophie_sparkes shares tips on building a live political tracker https://t.co/5G0z7BbhzZ #Brexit #EURef	23 Jun 2016, 03:30 - CEST	United States	0	neutral
imanjeetkaur	#Technology #Tech In the Science of Civilizations, Brexit Is the... https://t.co/w6wsOfs5DO https://t.co/d6F3HbsDcd https://t.co/kKJXhNJuM0	23 Jun 2016, 03:30 - CEST		0	neutral
TribulationNow	Brexit: What Is It About? Paul Craig Roberts If you read the presstitute media, Brexitâ€"the referendum tomorrow... https://t.co/QB8Zk8y4ov	23 Jun 2016, 03:30 - CEST		0	negative
MagsRG	RT @theordinaryman2: Retweet if you want out of #EU #BBCDebate #EURef #VoteLeave #Brexit #VoteRemain #InOrOut #Labour #VoteOUT https://t.câ€¦	23 Jun 2016, 03:30 - CEST	Cheshire	89	negative
ARTnewsmag	No man is an island https://t.co/aPRjuOgGeY https://t.co/uODIptUbQL	23 Jun 2016, 03:30 - CEST		1	neutral
hoofed	Debate is theatre. Respectful discussion is usually worth it. #kek #EUreferendum #EUref #Brexit https://t.co/NWE4YVwLUX	23 Jun 2016, 03:30 - CEST	United Kingdom	0	positive
rueconomicsru	Ð' ÐºÐ°Ð½ÑƒÐ½ Ñ€ÐµÑ„ÐµÑ€Ð´ÑƒÐ¼Ð° Ñ?Ñ‚Ð¾Ñ€Ð¾Ð½Ð¸ Brexit Ñ?Ñ‚Ð°Ð»Ð¾ Ð±Ð¾Ð»ÑŒÑˆÐµ https://t.co/OInc3JfgRS https://t.co/aiR3cJOnfY	23 Jun 2016, 03:30 - CEST	Ð¡Ð°Ð½ÐºÑ‚-ÐŸÐµÑ‚ÐµÑ€Ð³Ð¾Ñ•Ñ•Ð¸Ñ•	0	neutral
UnaFreemann	Brexit: What Is It About? :Â Information Clearing House ICH https://t.co/UE6rlYiCCv	23 Jun 2016, 03:47 - CEST	germany	0	neutral
augustofiscal	RT @missingfaktor: Brexit. Grexit. Departugal. Italeave. Fruckoff. Czechout. Oustria. Finish. Slovakout. Latervia. Byegium.	23 Jun 2016, 03:47 - CEST	London, England	4098	positive
lucie_buchan	To #LeaveorStay? Interesting breakdown of the #Brexit referendum by @business Intelligence Economist Dan Hanson https://t.co/cPSGxfhfCN	23 Jun 2016, 03:47 - CEST	Melbourne, Victoria	0	positive
bigblasterstock	https://t.co/4BGFf4Flhg Asia stocks, sterling rise as Brexit anxiety abates	23 Jun 2016, 03:47 - CEST		0	negative
RonaldARomero	@FoxBusiness #Brexit Save yourself and leave the EU, or lose your rights and your country and a culture.	23 Jun 2016, 03:47 - CEST	Washington, USA	0	positive
AlonzoPonce	If you cannot stay current, please do not try to. https://t.co/mCElQtjlyt	23 Jun 2016, 03:47 - CEST	Long Beach, CA	0	negative

Ug_UkCrawley	Cameron redfaced after German official says Brussels WILL trade with Britain after Brexit: DAVID Cameron and... https://t.co/gbcJ9vA0dF	23 Jun 2016, 03:47 - CEST	Crawley, England	0	negative
baumsche	RT @FrenchForTrump: #BREXIT VOTE MAKE UK GREAT AGAIN TIME TO LEAVE EU #MakeEuropeGreatAgain THIS IS OUR FREEDOM #MakeAmericaGreatAgain htâ€¦	23 Jun 2016, 03:47 - CEST	United States	413	positive
___dawood	RT @ajay_mahil: This is God warning you about a brexit	23 Jun 2016, 03:47 - CEST		5	negative
trevordoge	I liked a @YouTube video https://t.co/wdJQWnzHHw BREXIT to Collapse Eurozone (WARNING!!)	23 Jun 2016, 03:47 - CEST	Collingwood, Ontario, Canada	0	negative
imharisss	RT @iamsrk: I c this trend in News where leaving of someone or something is headlined as Rexit or Brexit.So if I leave from sumwhere am Iâ€¦	23 Jun 2016, 03:47 - CEST		2656	positive
merendon	â€œNo habrÃ¡ ningÃºn tipo de renegociaciÃ³nâ€•, advierte Juncker a quienes apoyan Brexit https://t.co/YbR3xBd5sq vÃa @AristeguiOnline	23 Jun 2016, 03:47 - CEST		0	neutral
ulf_blombergswe	RT @Zwepol: Noterar att de som propagerar mot #Brexit verkar vara desamma som propagerar fÃ¶r kravlÃ¶s #migpol. DÃ¥ vet man hur landet liggerâ€¦	23 Jun 2016, 03:47 - CEST	Sweden's westcoast	6	neutral
AngleRight	RT @zerohedge: Brexit: Global Trigger Event, Fake Out Or Something Else? https://t.co/eWLV3c7V1j	23 Jun 2016, 03:47 - CEST	St. Louis	7	negative
Bigmind39	The Conservative Case Against Brexit https://t.co/7VhlcqkgaS via @ForeignAffairs	23 Jun 2016, 03:47 - CEST	Danbury CT	0	negative
TRUMP_NOW2016	RT @michaeljohns: The #UK is a great nation and still a special relationship. Britain should be governed by British. #Leave, friends. #Brâ€¦	23 Jun 2016, 03:47 - CEST		37	positive
VentaCisternas	Brexit: El dilema britÃ¡nico https://t.co/qdaK6N9FeB https://t.co/qdaK6N9FeB Brexit: El dilema britÃ¡nico... https://t.co/kYfY7qnM2J	23 Jun 2016, 03:47 - CEST	Guadalajara, Jalisco	0	positive
RonaldARomero	@EuroRaver #Brexit Save yourself and leave the EU, or lose your rights and your country and a culture.	23 Jun 2016, 03:47 - CEST	Washington, USA	0	positive
ssc000	RT @JASEMARKRUTTER: Vote like you've never voted before! A vote for LEAVE EU is a vote for PEOPLE POWER! Retweet! #Brexit #BrexitOrNot httpâ€¦	23 Jun 2016, 03:47 - CEST	Nottinghamshire, UK	32	positive
Mrs_Coder	RT @ForeignAffairs: The roots of the divisions over Brexit: https://t.co/MKs9IfMjnU	23 Jun 2016, 03:47 - CEST		8	neutral
JhieRamores	RT @ConceptGrp: Currency traders in Singapore will be at their desks from 3am to await #Brexit results https://t.co/QtzeX2LcV1 https://t.coâ€¦	23 Jun 2016, 04:04 - CEST		1	neutral

Revolucion MON	#Monagas #Maturin La intriga del 'brexit': Â¿quÃ© pasarÃ¡ si el Reino Unido abandona la UE? https://t.co/4FXyVh08fs	23 Jun 2016, 04:04 - CEST	Maturin, Estado Monagas.	0	negative
sam0398	RT @ElizabethHurley: Vote tomorrowwhatever your persuasion. I'm for #Brexit & promise to neither gloat nor whinge. But VOTE! https:â€¦	23 Jun 2016, 04:04 - CEST		2649	negative
snaxolotl	RT @missingfaktor: Brexit. Grexit. Departugal. Italeave. Fruckoff. Czechout. Oustria. Finish. Slovakout. Latervia. Byegium.	23 Jun 2016, 04:04 - CEST	your gin joint â€¢ Adelaide, AU	4126	positive
Audrey4f	need2know: Investors get Brexit jitters: Local shares poised to open lower as investors get defensive ahead o... https://t.co/rPgkVbhDmP	23 Jun 2016, 04:04 - CEST	Sydney, New South Wales	0	negative
theordinaryman2	RT @theordinaryman2: We are #VoteLeave #EURef #LoveEuropeLeaveEU #Brexit #remain #INorOUT #Labour #VoteOUT https://t.co/3ozM3KOJJW	23 Jun 2016, 04:04 - CEST	GREAT Britain	19	positive
sherise1313	RT @Grizedale2974: The most stupid woman ever to hold power Theresa May says many Britons â€˜BENEFIT GREATLYâ€™ from Sharia Law https://t.co/dâ€¦	23 Jun 2016, 04:04 - CEST	Free World	3	negative
allgringo	RT @ReutersBiz: Asia stocks, sterling rise as Brexit anxiety abates https://t.co/5Z7QsRREhI	23 Jun 2016, 04:04 - CEST	Japan	23	neutral
allengilmer	His own private Brexit. https://t.co/bALy9b0BeP	23 Jun 2016, 04:04 - CEST	Austin, TX	0	neutral
Darmansyah ID	Menkeu: Kekhawatiran Brexit Turun https://t.co/MnSukxt83p	23 Jun 2016, 04:04 - CEST	DKI Jakarta - Kota Lemang	0	NA
imovemanchester	RT @ianbremmer: Online & telephone polling in runup to the Brexit referendum. It's close... https://t.co/L2kvxK8Ug5	23 Jun 2016, 04:04 - CEST	manchester	11	negative
deborascha ch	RT @missingfaktor: Brexit. Grexit. Departugal. Italeave. Fruckoff. Czechout. Oustria. Finish. Slovakout. Latervia. Byegium.	23 Jun 2016, 04:04 - CEST	Porto Alegre | RS	4126	positive
shabz67	RT @dubemol: Brexit: The UK's Donald Trump moment https://t.co/B5vYWb0RUL	23 Jun 2016, 04:04 - CEST	somewhere	1	neutral
jeffrush	RT @missingfaktor: Brexit. Grexit. Departugal. Italeave. Fruckoff. Czechout. Oustria. Finish. Slovakout. Latervia. Byegium.	23 Jun 2016, 04:04 - CEST	Arlington, TX	4126	positive
Aniatoune	https://t.co/mCz7rgyBbk	23 Jun 2016, 04:04 - CEST	FRANCE, THIAIS	0	NA
R_de_Gerber	RT @Stop_The_EU: Don't make Britain accountable for the failings of an EU and the â,¬uro. #Brexit https://t.co/hc9sr3lyHw	23 Jun 2016, 04:04 - CEST	Weybridge & Wimbledon, UK	9	negative

RottenBanadora	"The message is fear, fear, fear!" Peter Shore Brexit like it's 1975 https://t.co/q3ooP0C3dj https://t.co/AnW03YXpol	23 Jun 2016, 04:04 - CEST	Washington, DC	0	negative
DigiHunk	RT @JantaKaReporter: British voters are taking part in historic referendum today to decide if they want to stay in or leave Europe https://â€¦	23 Jun 2016, 04:04 - CEST	India	2	positive
demencius74	LOL #brexit #bremain #BremainVsBrexit #Merkel #Juncker https://t.co/oRFjFpJT18	23 Jun 2016, 04:04 - CEST	All over the net	0	negative
RogerJordan12	RT @Nigel_Farage: It's time to get our borders back, our democracy back and our country back. #Brexit https://t.co/eArDsfxlO3	23 Jun 2016, 04:04 - CEST	DFW * North Texas	1214	negative
KarjalainenFi	Brexit hankaloittaisi verkkoostosten palauttamista https://t.co/N5OIIIqUeB	23 Jun 2016, 04:21 - CEST	Pohjois-Karjala	0	negative
KarjalainenFi	Brexit todennÃ¤kÃ¶linen, seuraukset ennakoimattomat https://t.co/5dgU0ueG31	23 Jun 2016, 04:21 - CEST	Pohjois-Karjala	0	negative
briliano	Asia stocks, sterling rise as Brexit anxiety abates https://t.co/xm9pEls0o8 via @Reuters	23 Jun 2016, 04:21 - CEST	Taiwan	0	negative
pao_jimennez	RT @_CarlosPak: Horarios clave #Brexit #Bremain Jun23 Horario Mex. 1am4pm Votaciones 11pm Conteo preliminar Jun24 Horario Mex 1amâ€¦	23 Jun 2016, 04:21 - CEST	MÃ©xico, D.F	2	negative
Tech_Law	Brexit: Potential Consequences For European Union Trademarks https://t.co/yIOfJbqOCB | by @foleyhoag (via @IPLawAlerts)	23 Jun 2016, 04:21 - CEST	JDSupra.com	0	neutral
pierceipctr	Brexit: Potential Consequences For European Union Trademarks JD Supra (press release) (0 visits): https://t.co/jx93fY9iS8	23 Jun 2016, 04:21 - CEST	Concord, NH, USA	0	neutral
Alyalvarez2005	RT @InfobaeAmerica: Boris Johnson: "Este jueves puede convertirse en el dÃa de la independencia" https://t.co/knbTYW33TW #Brexit https://t.â€¦	23 Jun 2016, 04:21 - CEST		10	neutral
falconlink19	RT @Internazionale: La Brexit Ã¨ un alibi per i politici europei poco coraggiosi, scrive Eric Jozsef. https://t.co/QT8rby1WSz	23 Jun 2016, 04:21 - CEST		13	negative
StarryKnight47	RT @LeaveEUOfficial: #Brexit leads in latest poll, carried out by the most accurate pollster at the 2015 General Election https://t.co/0wpIâ€¦	23 Jun 2016, 04:21 - CEST	Arizona, USA	267	positive
BurtonUniform7	RT @LeaveEUOfficial: Hannan reminds #c4debate that there is no such thing as EU money, only taxpayers money #Brexit	23 Jun 2016, 04:21 - CEST		274	positive
RightAsRain7	RT @BasimaFaysal: #Brexit https://t.co/aSyrswZDVY	23 Jun 2016, 04:21 - CEST		5	neutral

marbasch	RT @missingfaktor: Brexit. Grexit. Departugal. Italeave. Fruckoff. Czechout. Oustria. Finish. Slovakout. Latervia. Byegium.	23 Jun 2016, 04:21 - CEST	Buenos Aires	4189	positive
AceDailyNews	#AceNewsReport Japan official says concerned about Brexit impact on FX and financial markets:... https://t.co/YBdYSyBXRg @AceFinanceNews	23 Jun 2016, 04:21 - CEST	United Kingdom	0	neutral
Breaking144	#AceNewsReport Japan official says concerned about Brexit impact on FX and financial markets:... https://t.co/L0qVYfWzGi @AceFinanceNews	23 Jun 2016, 04:21 - CEST		0	neutral
WomenWorldNews1	#Racism #Racist :(Project Racism rebounds in Brexit vote Britain to Remain but EU supers... https://t.co/es1BzYGARB #UniteBlue #Tcot	23 Jun 2016, 04:21 - CEST	New Jersey, USA	0	negative
cwalshUK	RT @drdeathmont: As an Australian, can you please point me in the right direction for some #Brexit perspective @warrenellis and/or @neilhimâ€¦	23 Jun 2016, 04:21 - CEST	Portsmouth	2	positive
Traders_Edge	Japan official says concerned about Brexit impact on FX and financial markets: Deputy Chief Cabinet Se... https://t.co/JDET9eD9pJ #forex	23 Jun 2016, 04:21 - CEST		0	positive
TejalFatania	RT @fteconomics: Europe considers implications of Brexit https://t.co/no3rYTXyTh	23 Jun 2016, 04:21 - CEST	United Kingdom	2	neutral
possiejim	@SenPaterson RE your Brexit pitch,are you aware of this appalling UK Govts' discrimination?https://t.co/ZCmTcra1tU costing Oz budget $1 BN?	23 Jun 2016, 04:21 - CEST	Sydney	0	negative
outreach2004	BREXIT: Israel Needs UK to Remain in EU to Fight Threats, Says PM David Cameron Israel News... https://t.co/NFiQbjegjV via @binalerts	23 Jun 2016, 04:21 - CEST	Citra, Florida	0	negative
andbaker	If #Brexit fails start a tradition where EU slams the door in the face of the PM symbolizing EU's independence from provincial government.	23 Jun 2016, 04:39 - CEST		0	negative
50WomenProject	RT @WSJ: Eastern Europeans in U.K. rush to apply for citizenship ahead of Brexit referendum https://t.co/EOSypiPdIV	23 Jun 2016, 04:39 - CEST	San Francisco, CA	31	neutral
Rebecca_A_Perez	RT @FortuneMagazine: Why Brexit will be a disaster for Ireland https://t.co/ucEt4v4CJj	23 Jun 2016, 04:39 - CEST		5	negative
Bradders71	https://t.co/z3Jh6JIUWV #malin vote Leave. Please read article	23 Jun 2016, 04:39 - CEST	London	0	positive
abrah6m	â– Escucha â€œBorn in The EUâ€• la nueva canciÃ³n de Spector https://t.co/B1slfzozMs | @sopitas	23 Jun 2016, 04:39 - CEST	MichoacÃ¡n de Ocampo, MÃ©xico	0	neutral
Plasta1	Escucha â€œBorn in The EUâ€• la nueva canciÃ³n de Spector https://t.co/4ytWxPCbrE	23 Jun 2016, 04:38 - CEST		0	neutral
lalo_514	Escucha â€œBorn in The EUâ€• la nueva canciÃ³n de Spector https://t.co/V9YCH5ezvX	23 Jun 2016, 04:38 - CEST	Mexico	0	neutral
twitfer	#brexit https://t.co/TunqlLAp3Y	23 Jun 2016, 04:38 - CEST		0	negative

loreconsentida	El quintento londinense Spector estrenÃ³ â€œBorn in The EUâ€• una nueva canciÃ³n en la que expresan su sentir acerca del Brexit y todos los...	23 Jun 2016, 04:38 - CEST		0	negative
Abogangster45	Escucha â€œBorn in The EUâ€• la nueva canciÃ³n de Spector: El quintento londinense Spector estrenÃ³ â€œBorn in The EU... https://t.co/G6Jo53XdfI	23 Jun 2016, 04:38 - CEST	Quintana Roo, MÃ©xico	0	neutral
jeffcliff1	https://t.co/syMqnMYyAi Predictionbook suggests about 1:2 odds of #brexit happening	23 Jun 2016, 04:38 - CEST	PA, #tbay ,Milky Way,Laniakea	0	neutral
Rattleone	Hmm."Yes or no". Let me sleep on it baby baby let me sleep on it,I'll give you an answer in the morning. UK..I hope you get better..#Brexit	23 Jun 2016, 04:38 - CEST	22 Acacia Avenue	0	positive
JohnSerocold	RT @JohnOSullivanNR: At stake in Brexitwhether UK stays in an undemocratic polity or regains its selfgoverning democracy? Not trivial: hâ€¦	23 Jun 2016, 04:38 - CEST	London	20	negative
osscarjuarez	Escucha â€œBorn in The EUâ€• la nueva canciÃ³n de Spector https://t.co/JTLICflia5	23 Jun 2016, 04:38 - CEST	Coahuila	0	neutral
Chinks07	RT @iamsrk: I c this trend in News where leaving of someone or something is headlined as Rexit or Brexit.So if I leave from sumwhere am Iâ€¦	23 Jun 2016, 04:38 - CEST	New Delhi	2779	positive
Rosalia_glez	Escucha â€œBorn in The EUâ€• la nueva canciÃ³n de Spector https://t.co/Vb7gFHm0Sb	23 Jun 2016, 04:38 - CEST	Coahuila	0	neutral
actualite24	Brexit: A J2 du rÃ©fÃ©rendum, dÃ©bat enflammÃ© devant 6.000 spectateurs Ã Londres. #D22 https://t.co/nX8hQxOyHI	23 Jun 2016, 04:38 - CEST	France	0	neutral
Chiroyo	The latest æ—¥åˆŠ Chiro! https://t.co/hotjEY4b9o Thanks to @sebapefer @chikashiojima @cubanadventures #rollingstones #brexit	23 Jun 2016, 04:38 - CEST	TOKYO	0	positive
vcapozzi2	RT @Forbes: Poll: 80% of Americans think Britain should leave the EU https://t.co/EPNk488c9h https://t.co/3mqaV8v5KD	23 Jun 2016, 04:38 - CEST		337	positive
NachomanPue	RT @Milenio: â–¶ Problemas en el paraÃso...Â¿QuÃ© es el #Brexit?https://t.co/5ZaiAGHG4t https://t.co/mKp4DQBrYD	23 Jun 2016, 04:38 - CEST	Puebla, MÃ©xico	9	negative
BTCPosts	#bitcoinnews #bitcoin #bitcoinews #wsj U.S. Stocks Ride the Waves of Brexit Anxiety https://t.co/MXXotu1XcE #bitcoins #bitnews #bitcointalk	23 Jun 2016, 04:56 - CEST	Miami Florida	0	neutral
mkmknani	RT @1_texanna: We are praying for you Britain!! Americans stand with you! #Brexit #VoteLeave https://t.co/Ux0Dv9UBu9	23 Jun 2016, 04:56 - CEST	Ft Worth Tx/Bellingham WA	10	positive
Hoofdnieuws1	https://t.co/CsupbjE3eC To brexit or not to brexit: wat je moet weten https://t.co/b3SaBXxJSw	23 Jun 2016, 04:56 - CEST		0	negative
TrafficDiddy	What is Brexit and the Ramifications of Leaving the European Union [UK News] https://t.co/CVQZDMFCAf https://t.co/83r0PfXBL1	23 Jun 2016, 04:56 - CEST	Traffic All Around	0	negative

			The World.		
kumarabhi358	RT @dwnews: Hollande, Juncker raise stakes on Brexit https://t.co/Yb2guYnIjA https://t.co/Pvh01UMYuq	23 Jun 2016, 04:56 - CEST		2	neutral
ONLYSANJEEVJHA	RT @DDNewsLive: #Brexit : U.K. goes to polls in an historic referendum on whether the country should remain a member of the European Unionâ€¦	23 Jun 2016, 04:56 - CEST	Daman	3	negative
BrandonJLandry	RT @Blondetigressnc: The latest The Nurse Chronicles! https://t.co/fLmMbIIL7z Thanks to @BUDDHA_DRAGON1 @OsagieSelma @Gibbsdithers #brexitâ€¦	23 Jun 2016, 04:56 - CEST		2	positive
CecilSDavis	RT @Reuters: Oil prices rise as markets on tenterhooks ahead of Brexit vote https://t.co/Az4U73CQXO https://t.co/ZFOmIuG3Rn	23 Jun 2016, 04:56 - CEST	British Columbia, Canada	48	neutral
SamRamalheira	Prediction: #Brexit is defeated and everything stays (more or less) the same	23 Jun 2016, 04:56 - CEST		0	negative
grahamlynas	RT @JASEMARKRUTTER: Be proud today and vote LEAVE EU to take back control! Power to the People! #Brexit #VoteLeave https://t.co/0Oeb644wfb	23 Jun 2016, 04:56 - CEST	Durham, England	2	positive
trumpcountry	RT @FLforTrump16: #Brexit #BBC #EU Rule Britannia & Without the damn continent of Europe infested with #Muslim sympathizer liberal Pollyaâ€¦	23 Jun 2016, 04:56 - CEST	United States	1	negative
CarlaChamorros	97% of Undecided to vote #Brexit.... Brexit WINS ! Referendum a 'statistical dead heat' ? https://t.co/DoMFJLsOjH https://t.co/j2VgrSwt9K	23 Jun 2016, 04:56 - CEST	Granada, Nicaragua	0	negative
marsquad51	RT @RobLowe: To my UK friends: how do you feel about the "Brexit"? And why? Very curious to get the REAL story.	23 Jun 2016, 04:56 - CEST	Pahrump,NV	15	negative
romulasry	Live Thread: The BREXIT Vote: #Britain votes on independence from the European Union https://t.co/QfdcuL27wI	23 Jun 2016, 04:56 - CEST	Southern California, USA	0	neutral
CuspCreative	What is Brexit and the Ramifications of Leaving the European Union [UK News] https://t.co/CdMiY7kkoG	23 Jun 2016, 04:56 - CEST	Southern California	0	negative
10thAmendment	RT @ooohouchburn: @10thAmendment today we fly free! #Brexit https://t.co/TQOcXZvqjJ	23 Jun 2016, 04:56 - CEST	57th State	1	positive
kurakura5o	RT @ajplus: London's mayor Sadiq Khan crushed a recent #Brexit debate â€" while fasting. Mic drop, please. https://t.co/cN5jMmfvmQ	23 Jun 2016, 04:56 - CEST		111	negative
parnsap_y	RT @Independent: Victoria Beckham is not supporting the Leave campaign https://t.co/S4zjoWSm5D https://t.co/r0tFQO1cgC	23 Jun 2016, 04:56 - CEST		19	positive

ConceptGrp	Oil prices rise as markets on tenterhooks ahead of Brexit vote https://t.co/oswRqK5xeL	23 Jun 2016, 04:56 - CEST		0	neutral
JoinMCA2016	What is Brexit and the Ramifications of Leaving the European Union [UK News] https://t.co/zn5RkNFm2Q https://t.co/kBDM5G0prV	23 Jun 2016, 04:56 - CEST	Motor Club of America, USA	0	negative
fightterror	Is Russia Really a Threat to Brexit? https://t.co/FKEcZMJpzC	23 Jun 2016, 05:13 - CEST	Jerusalem	0	negative
deathmorgan	#Brexit history is written today.	23 Jun 2016, 05:13 - CEST	Mexico City	0	neutral
JoannaWoman991	RT @JaredWyand: BRITISH MUSLIMS POLL: 66% say they wouldn't warn of a terrorist attack #Brexit #EUref #TrumpSpeech #NoBillNoBreak https:â€¦	23 Jun 2016, 05:13 - CEST	America	287	negative
ralphshields313	RT @roarielruiz4: Support from Chicago, for British freedom from the EU. May Britain reclaim sovereignty over its nation. #VoteLeave #Brexit	23 Jun 2016, 05:13 - CEST	Las Vegas, NV	2	positive
TrumpCoulter16	@ElizabethHurley You are the embodiment of British Beauty. Preserve your nation, preserve your people. #Brexit	23 Jun 2016, 05:13 - CEST	United States	0	positive
brasil2014pool	'European Union faces African migrant crisis' Underfire Merkel issues stark warning https://t.co/c1JsWkeZ44	23 Jun 2016, 05:13 - CEST	Vancouver BC	0	negative
soaneseys	@UKLabour Brexit all the way	23 Jun 2016, 05:13 - CEST		0	neutral
TMWTL79	@LittleWombat666 all the polls & indications are that Remain will win today.... Wasted opportunity #Brexit	23 Jun 2016, 05:13 - CEST		0	negative
asasays	@BBCBreaking @UEFA @UEFAEURO If Brexit wins will @FAIreland @FAWales @England @NorthernIreland be disqualified? https://t.co/1BXJXENuhw	23 Jun 2016, 05:13 - CEST	Betung Hut	0	negative
bitcoinagile	#bitcoin Price Drops $100 As Brexit Hopes Falter Blockalerts #Blockchain https://t.co/CAQEEJjmii https://t.co/BAxVobjtpe	23 Jun 2016, 05:13 - CEST	Matter Doesn't Matter	0	neutral
Sammy_Toon	Brexit is also part of protecting Ireland and Wales Britain!	23 Jun 2016, 05:13 - CEST		0	positive
Mr_VivaYolo	Â¿QuÃ© es el #Brexit? Van 7 claves para entender el referendo de Reino Unido | Por bbcmundo https://t.co/Tr0J1ABJPA https://t.co/zueGt02QXZ	23 Jun 2016, 05:13 - CEST	Mexico	0	negative
Arisfivedragon	#SinagaNews Inter Selangkah Lagi Dapatkan Bek Sayap Genoa https://t.co/UKcOfr4FlJ	23 Jun 2016, 05:13 - CEST	Kota Binjai, Sumatera Utara	0	neutral
brexiteer2016	#Brexit #EURef Sounds familiar, seems like the protocol of fear campaigning is rife these days NOT fooled #Leave https://t.co/5e2FyN6fuB	23 Jun 2016, 05:13 - CEST		0	positive
Corysim	IfindITtalent: Asia stocks, sterling rise as Brexit anxiety abates: Asian shares edged up and sterling stood ... https://t.co/BoDqPk7knD #â€¦	23 Jun 2016, 05:13 - CEST	Seattle, WA	0	neutral

miloismydaddy	RT @MikeMa_: to all my redcoat followers, vote smart tomorrow #BREXIT	23 Jun 2016, 05:13 - CEST	alla puttamelata.	3	positive
fantasymandan	$AMD $EA $WUBA $NVDA A little music as we head into this binary buzzsaw known as BREXIT. https://t.co/qa4zJVTxw6 $SPY	23 Jun 2016, 05:13 - CEST	Hawaii	0	positive
GordonFBennett	@KikiTheReds1 Get some geography mate before you comment #Scotland, #wales and #northernireland are voting too its #brexit not #eexit	23 Jun 2016, 05:13 - CEST		0	neutral
NikolasFuturist	RT @imgur: The British mood at this moment in time. https://t.co/cDozmT7Igk #Brexit https://t.co/wjwUonXATq	23 Jun 2016, 05:13 - CEST	Vancouver, BC, Canada	113	positive
tayfan2	RT @IngrahamAngle: Bono, Beckham & every other global celeb in Britain ag #Brexit. Follow the $> globalization great for them, horrid forâ€¦	23 Jun 2016, 05:13 - CEST	Somewhere in Virginia	339	negative
KostJason	RT @MikeMacck: Be a patriot. Vote Leave. #Brexit https://t.co/Kh0nHwoWkX	23 Jun 2016, 05:30 - CEST	Astoria, OR	3	positive
funfreefun	ã‚„ã‚ˆã‚„ã‚ˆã€‚23æ—¥ã‚«ã«ï±å›½ã§§å›½ï°ï¾ãŠ•ç¥¨ã€€ãƒ¼ãªãªãœä»Šã ãªãª©ã€‚ç–‘ï•ç‚¹ã‚ï¾ï¾ï¾ï¾ãª—ãŸ https://t.co/edyoa5pFOZ by @HuffPostJapan https://t.co/2o1bOBxCF2	23 Jun 2016, 05:30 - CEST		0	neutral
truthenomics	RT @zerohedge: Who Is The "European Movement" And Why The Answer May Change How You Vote On "Brexit" https://t.co/FKk9XFf1wm	23 Jun 2016, 05:30 - CEST		39	neutral
WaterWynd	RT @thedailybeast: Brexit makes absolutly no sense at all. Here's why: https://t.co/t4PHGYNM2O https://t.co/FZgJO9XrIN	23 Jun 2016, 05:30 - CEST		17	negative
hubinbiz	Mud, Music and MilesLong Lines as Glastonbury Clashes With Brexit Referendum https://t.co/f71sHQ6ysY vÃa @hubinbiz	23 Jun 2016, 05:30 - CEST		0	neutral
Nyheter24_7	RT @V_of_Europe: Farageâ€™s final rallying call: â€˜Itâ€™s us versus the Establishment go and vote for Britain' https://t.co/LfRgbPr9PF	23 Jun 2016, 05:30 - CEST		57	neutral
ItsDavisDavison	Mud, Music and MilesLong Lines as Glastonbury Clashes With Brexit Referendum: Their country may be about to ... https://t.co/qmV4XdDXUM	23 Jun 2016, 05:30 - CEST	Las Dream USC	0	neutral
Noonebin	RT @XxPLWxX: Dear Britain When you vote today, remember the sacrifices made so you can be free. #Brexit #VoteLeave #EUref https://t.co/HsfLâ€¦	23 Jun 2016, 05:30 - CEST	Western Australia	10	positive
agiltegar	#Follow Mud, Music and MilesLong Lines as Glastonbury Clashes With Brexit Referendum: Their country may be a... https://t.co/rwBd5opSpY	23 Jun 2016, 05:30 - CEST	Cloud â˜• Â· Melbourne	0	neutral
martinstevens27	RT @RehmanSid: According to the poll I conducted slight majority (52%) believes, #UK should #VoteLeave (#Brexit) in #EUreferendum. https://â€¦	23 Jun 2016, 05:30 - CEST	Lincoln, Lincolnshire	14	positive

BlueFloridian	Some kind of publicity stunt? Except for Princess Di, the UK hasn't gotten this much global attention since the early Empire days, #Brexit	23 Jun 2016, 05:30 - CEST		0	negative
JayDook	RT @realkingrobbo: Brexit Poll Shows 80% Of Americans Think Britain Should Leave EU https://t.co/ghlHHXsc9Q https://t.co/GM2KHRzMjN	23 Jun 2016, 05:30 - CEST		9	positive
BharatRajneeti	à¤¬à¥à¤°à¥‡à¤—à¥à¤œà¤¿à¤Ÿà¤f à¤•à¥•à¤¯à¤¾ à¤…à¤ª à¥€ à¤•à¤¬à¥•à¤° à¤–à¥‹à¤¦à¤¨à¥‡à¤œà¤¾ à¤°à¤¹à¤¾à¥ à¤¹à¥^ à¤¬à¥à¤°à¤¿à¤Ÿà¥‡à¤¨? https://t.co/aWSyeV0wv2 via NavbharatTimes https://t.co/2dtS2PHe4V	23 Jun 2016, 05:30 - CEST	India	0	neutral
ArtofeVan	There's too much at stake for elites to let the people of #Britain exit the #EU. Even if the people win #Brexit votes, elites won't let them	23 Jun 2016, 05:30 - CEST	Megrez	0	negative
ReutersBiz	Oil rises as markets on tenterhooks ahead of Brexit vote https://t.co/WtZtuv3eyI	23 Jun 2016, 05:30 - CEST	Where you are	0	positive
poluakerford	Mud, Music and MilesLong Lines as Glastonbury Clashes With Brexit Referendum https://t.co/HCisR8CEII	23 Jun 2016, 05:30 - CEST	ÐœÐ¾Ñ•ÐºÐ²Ð°	0	neutral
toriKh	RT @benphillips76: Peak #Brexit: UK protestor tries to burn the EU flag, but can't, because of EU regulation on flammable materials https:/â€¦	23 Jun 2016, 05:30 - CEST	Australia	15077	negative
FGlyneth	RT @DavidJo52951945: RT Please take a pen to the polling station with you tomorrow & donâ€™t use a pencil #Brexit https://t.co/OYnrUyxu95	23 Jun 2016, 05:47 - CEST		548	neutral
FR33_W0RLD	RT @RealAlexJones: WATCH: Standing Ovation for Former London Mayor Over Plea to Leave #EU https://t.co/0NSiYKA5mT #VoteLeave #BREXIT #Leaâ€¦	23 Jun 2016, 05:47 - CEST	free.world@tutanota.com	91	positive
MichelBinette	RT @INTJutsu: If the UK doesn't get out now, there won't be another chance, as their country will be overrun & ruined #BREXIT #UK https://tâ€¦	23 Jun 2016, 05:47 - CEST		132	negative
IndomTrading	Oil rises as markets on tenterhooks ahead of Brexit vote TOKYO (Reuters) Oil prices rose in Asian trading o... https://t.co/b2KGiC2qFw	23 Jun 2016, 05:47 - CEST	United Kingdom	0	neutral
BizDatabase	ForexLive Asia FX news wrap: Brexit polls driving GBP still https://t.co/MiUsl1XQPm Forex news for Asia trading Thursday 23 June 2016 An aâ€¦	23 Jun 2016, 05:47 - CEST		0	neutral
CryptoSourceHQ	#bitcoin Bitcoin Price Drops Below $600 As â€˜Brexitâ€™ Hopes Falter https://t.co/wXIqxAbfYP	23 Jun 2016, 05:47 - CEST	Worldwide	0	negative
FreeCryptoCo	#bitcoin Bitcoin Price Drops Below $600 As â€˜Brexitâ€™ Hopes Falter https://t.co/4VCFZ8R0fD	23 Jun 2016, 05:47 - CEST	Worldwide	0	negative
bintanghadiputr	Brexit itu untuk kedaulatan GB . hanya keluar zona ekonomi perjanjian bilateral bisa ditata lagi. Kenapa takut?	23 Jun 2016, 05:47 - CEST	Soerabaja - Konijde de Nederlands Indische	0	negative

DomMitchell	Be smart. Don't let racism and fear win.#BetterIn #Brexit #Remain https://t.co/VclT6LNhen	23 Jun 2016, 05:47 - CEST	LA / London / Roarton, Lancs.	0	negative
balika7510	RT @BLervoire: RÃ©sultat sans appel ce soir sur @leJDD : 87% pour le #Frexit ! Un #rÃ©fÃ©rendum vite ! #Brexit #MLP2017 #AvecMarine https:/â€¦	23 Jun 2016, 05:47 - CEST		63	negative
FXS_Forex_EN	Brexit's Real Impact Would Be Gradual and Global #Stocks #Finance #Forex #GBP #SGD #SGDJPY #United Kingdom #Dow https://t.co/h5JA4w0nQf	23 Jun 2016, 05:47 - CEST	Geneva, Switzerland	0	positive
sunandavashisht	RT @myindmakers: Brexit: Will the United Kingdom leave the European Union? #Brexit https://t.co/IS1jYw8RsL	23 Jun 2016, 05:47 - CEST	Houston	1	positive
OurNewEurope	Les Britanniques votent aujourdâ€™hui sur le Brexit, tous les EuropÃ©ens sur lâ€™avenir der notre continent sur https://t.co/SBMBhbY3eS !	23 Jun 2016, 05:47 - CEST	Berne, Switzerland	0	positive
volkerpaulsen	Fjollet debat! Det Indre Markeds reelle vÃ¦rdi har INTET fyldt i medierne! Alle frygter Brexit â€“ bortset fra Putin https://t.co/FBLBvNCr71	23 Jun 2016, 05:47 - CEST		0	negative
JASEMARKRUTTER	EU referendum Thursday 23rd June. Vote LEAVE EU & return POWER to the PEOPLE! #BrexitOrNot #Brexit https://t.co/BC7nZkJddD	23 Jun 2016, 05:47 - CEST	United Kingdom Bromsgrove	0	positive
MarquardtJP	RT @BjoernSta: â€œThe time has comeâ€œ for â€œIndependence Dayâ€œ? UK Titelseiten morgen zum #EUref #Brexit via @suttonnick https://t.co/TsvVDA2iâ€¦	23 Jun 2016, 05:47 - CEST	London	5	neutral
vinodsundaram	RT @missingfaktor: Brexit. Grexit. Departugal. Italeave. Fruckoff. Czechout. Oustria. Finish. Slovakout. Latervia. Byegium.	23 Jun 2016, 05:47 - CEST	Singapore. Chennai.	4282	positive
theodor1957	Today: EU ceasing to exist, UK ceasing to exist #brexit	23 Jun 2016, 05:47 - CEST		0	negative
Janunos	RT @1u4m4: 80% of Americans believe Britain & the world would have a better future with BREXIT https://t.co/u4Nwng5Xts https://t.co/jbzI7eâ€¦	23 Jun 2016, 05:47 - CEST	Wash DC	32	positive
spain_grain	Equities like the brexit situation I guess	23 Jun 2016, 05:47 - CEST	Morton. IL Chicago expat	0	negative

pritch1963	RT @XxPLWxX: #EURef Polling day arrives & counting begins on postal votes from just one house in Tower Hamlets #Brexit #VoteLeave https://tâ€¦	23 Jun 2016, 06:04 - CEST	Nr Manchester, England	10	positive
CNCConGongora	El Brexit pone en riesgo la nota de Reino Unido y sus finanzas locales https://t.co/0vtUOarede	23 Jun 2016, 06:04 - CEST		0	neutral
lumirdto	notiven: RT: ajenglish :#Brexit and the toxicity of the UK politics https://t.co/4BBFdisNQ8 https://t.co/XLdLiNWkmJ	23 Jun 2016, 06:04 - CEST		0	negative
MrPortfofio	RT @mkopNY: US #Economy continues to deteriorate, #BONDS r a BUY, #Brexit or #Bremain is irrelevant, #STOCKS will go DOWN July https://t.coâ€¦	23 Jun 2016, 06:04 - CEST	Oregon	7	negative
splendid1040	Brexit: los 3 temas que definen el referendo sobre la permanencia o salida de Reino Unido en la UE https://t.co/p4qDmHemHN |BBC	23 Jun 2016, 06:04 - CEST		0	neutral
airgotravel	Harilela Hotels: Brexit will be tough for hotel industry: While Brexit will hit the hotel indust... https://t.co/yUg8HXgiC7 #cnbc_travel	23 Jun 2016, 06:04 - CEST	Budapest - Hungary	0	positive
redrivergrl	RT @NRO: Brexit is proof that people are fed up with government planning: https://t.co/sWpixNh5Wi	23 Jun 2016, 06:04 - CEST		34	negative
Barbiemelanii	Brexit: los 3 temas que definen el referendo sobre la permanencia o salida de Reino Unido en la UE: Los britÃ¡... https://t.co/7kWVspy5ER	23 Jun 2016, 06:04 - CEST		0	neutral
lumirdto	notiven: RT: elmundomovil :CLAVES | 20 puntos para entender el â€œBrexitâ€• de Reino Unido https://t.co/n73hHZNddF https://t.co/H0K39kKTbz	23 Jun 2016, 06:04 - CEST		0	neutral
Nalgaprontamx	Todos andan muy extraÃ±os por el #Brexit	23 Jun 2016, 06:04 - CEST	Mexico	0	negative
airgotravel	How will UK tourism be affected by Brexit?: Britain's tourism industry, while resilient, will be... https://t.co/qkQsk7be71 #cnbc_travel	23 Jun 2016, 06:04 - CEST	Budapest - Hungary	0	positive
Swaggerfamouz2	Brexit: los 3 temas que definen el referendo sobre la permanencia o salida de Reino Unido en la UE: Los britÃ¡... https://t.co/GlCYSOC2oR	23 Jun 2016, 06:04 - CEST		0	neutral
abcomsads	Harilela Hotels: Brexit will be tough for hotel industry: While Brexit will hit the hotel industry hard it wo... https://t.co/TMGB3aIO5H	23 Jun 2016, 06:04 - CEST	WorldWide	0	neutral
4rj1111	RT @dibya_shareBuzz: Merah Kya Hogah Kaliya ? #Brexit #Rexit #Exit https://t.co/Oirowb51wb	23 Jun 2016, 06:04 - CEST		6	NA
godzmei1977	RT @Reuters: Oil prices rise as markets on tenterhooks ahead of Brexit vote https://t.co/Az4U73CQXO https://t.co/ZFOmluG3Rn	23 Jun 2016, 06:04 - CEST		60	neutral
4jingjinx	RT @somkiatonwimon: 1.à¸•à¸²à¸¡à¸"à¸¹à¸•à¸²à¸£à¸— à¸³à¸›à¸£à¸°à¸Šà¸²à¸¡à¸•à¸´ BrExit à¸§à¸±à¸™à¸™à¸µà¹‰à¸£à¸·à¹^à¸à¸±- à¸±à¸‡à¸à¸¤à¸©à¸^à¸°à¸à¸•à¸«à¸£à¸·à¹„à¸¡à¹^à¸à¸- à¸à¸^à¸²à¸ EU à¸šà¸— à¹€à¸£à¸µà¸¢à¸™à¸ª à¸„à¸±à¸«à¸«à¸£à¸±à¸šà¸„à¸°à¸šà¸§à¸™à¸à¸²à¸— à¸³à¸›à¸£à¸°à¸Šà¸²à¸¡à¸•à¸´à¸«à¸£à¸·à¸¶à¹fà¸«à¹‰à¸•à¸²à¸£à¸¨à¸¶à¸• à¸©à¸²â€¦	23 Jun 2016, 06:04 - CEST	BKK	21	negative

CNCConGongora	El Brexit tambiÃ©n define el futuro del futbol inglÃ©s https://t.co/aNAjri6x55	23 Jun 2016, 06:04 - CEST		0	neutral
AnthonySwinhoe	RT @Irelandbrexit: Great response from people of Sheffield today. If we can maximise our LEAVE turn out , we will emerge with a great victâ€¦	23 Jun 2016, 06:04 - CEST		16	positive
egatrader	Alerta en los mercados: los dos escenarios del Brexit: Si los britÃ¡nicos votan hoy por salir de la UE, las bo... https://t.co/GdEnPCPHVw	23 Jun 2016, 06:04 - CEST	Shangri-La	0	negative
Nyaranyar	RT @AMTrump4PRES: I'd like 2 dedicate this tweet 2 former lovely cultures that will only B found between the pages of a book. #Brexit httpsâ€¦	23 Jun 2016, 06:22 - CEST	Denver, CO	421	positive
onefingershort	#Brexit, stage left https://t.co/vk5hs5eG99	23 Jun 2016, 06:22 - CEST	a sandbox	0	negative
The16thChopper	RT @MaxCRoser: This is Boris Johnson before he realised that Brexit would be his chance to become PM: https://t.co/Xh5GDhGgDK https://t.co/â€¦	23 Jun 2016, 06:22 - CEST	Wolverhampton	477	positive
JosephineMaribe	RT @afpfr: #Brexit: les Britanniques votent sur leur avenir et sur celui de l'UE https://t.co/pZkCEXROta #AFP https://t.co/Pv2hM2u93m	23 Jun 2016, 06:22 - CEST	France Europe Ici&lÃ L Ã -bas...	14	neutral
Manuelsiguenza4	Â¿El fin del sueÃ±o europeo? 'Brexit' o 'Bremain', los britÃ¡nicos deciden suÂ futuro: Mientras todo el... https://t.co/LNC2myzhWv	23 Jun 2016, 06:22 - CEST	Panchimalco, El Salvador	0	negative
Loupo85	RT @ProfTimBale: The idea that English nationalism has powered support for Brexit is unduly simplistic and requires reexamination https://â€¦	23 Jun 2016, 06:22 - CEST	FRANCE (44000)	10	negative
ziruma_rojas	Â¡LABORATORIO CLINICO BACTERIOLOGICO estÃ¡ disponible! https://t.co/aTurKIrSfZ #brexit #venezuela	23 Jun 2016, 06:22 - CEST	MATURIN ESTADO MONAGAS	0	positive
thousandnews	Politico: Î^Ï„Îƒî¹ Î¸Î± ÎµÏ€Î·Ï‚Îµî¬ÏƒÎµÎ¹ Ï„Î¿ Brexit Ï„Î·Î½ Î•Î»Î¬Î´Î± Î²Î±Î¹ Ï„Î¿Ï…Ï, Î¬Î»Î»Î¿Ï…Ï, Â«26Â» Ï„Î·Ï, Î•Î•: Î¼Î± Î²Î»ÎîÏ¼Î½Î±Ï„Î± ÎµÎ¯Î½Î±Î¹ ÏŒÎ»Î±Ï‚ Ï„Î¿ Ï…ÏƒÎ»Î¼Î¿ Ï„Î¿Ï…... https://t.co/nWHxgbPwuL	23 Jun 2016, 06:22 - CEST	GREECE	0	neutral
MiguelG_SV	Â¿El fin del sueÃ±o europeo? 'Brexit' o 'Bremain', los britÃ¡nicos deciden suÂ futuro: Mientras todo el... https://t.co/c4ibbNeuva	23 Jun 2016, 06:21 - CEST	Ciudad Arce, La Libertad	0	negative
Pontifex_minimu	RT @freeWorld2: Russian Propaganda full speed ahead to #Brexit https://t.co/5oFfYXFSq2	23 Jun 2016, 06:21 - CEST	Westfalen, Deutschland	2	neutral
RJPKlein	RT @Shaithis1404: Why has @twitter promoted @UKLabour and remain about 5 times on my TL today and not promoted leave once? Dodgy methinks.â€¦	23 Jun 2016, 06:21 - CEST		51	negative
IsaorgMt	RT @DavidJo52951945: RT Please take a pen to the polling station with you tomorrow & donâ€™t use a pencil #Brexit https://t.co/OYnrUyxu95	23 Jun 2016, 06:21 - CEST	California, USA	556	neutral

nuneatonkev	RT @Forbes: Poll: 80% of Americans think Britain should leave the EU https://t.co/EPNk488c9h https://t.co/3mqaV8v5KD	23 Jun 2016, 06:21 - CEST		388	positive
CarsonSieving	RT @missingfaktor: Brexit. Grexit. Departugal. Italeave. Fruckoff. Czechout. Oustria. Finish. Slovakout. Latervia. Byegium.	23 Jun 2016, 06:21 - CEST	New York, NY	4341	positive
Fernand1SV	Â¿El fin del sueÃ±o europeo? 'Brexit' o 'Bremain', los britÃ¡nicos deciden suÂ futuro: Mientras todo el... https://t.co/qYQykfwXUp	23 Jun 2016, 06:21 - CEST	San Salvador, El Salvador	0	negative
abpnewstv	Explained: Why, how is #UK voting to stay in or leave #EU? #EUref #BrexitOrNot #Brexit https://t.co/NJX4oVTT1a https://t.co/Rj63qtHCki	23 Jun 2016, 06:21 - CEST	India	0	positive
amalrajv	Paris joins global tributes to murdered UK lawmaker Jo Cox https://t.co/nfkVISFN9b https://t.co/q90unGxxHx	23 Jun 2016, 06:21 - CEST	chennai	0	negative
AngelaY84351507	RT @theordinaryman2: This is my Flag is it yours..? #Brexit #ILoveBritain #believeinbritain #LoveBritain #IamBritishnotEuropean #no2EU httâ€¦	23 Jun 2016, 06:21 - CEST		53	positive
FinMinIndia	RT @DasShaktikanta: 'If Brexit happens, India is ready' via Times Now App https://t.co/mNBrN3e2kY	23 Jun 2016, 06:21 - CEST	New Delhi	2	neutral
ValutaNews	Traders plan for allnight Brexit vigil https://t.co/9ApOB6obqv #ValutaNews https://t.co/5czxuDmqta	23 Jun 2016, 06:39 - CEST		0	neutral
AFUJIINIKKEI	Asia Inc. bracing for Brexit vote Nikkei Asian Review https://t.co/V8XikL4hQN #Brexit	23 Jun 2016, 06:39 - CEST		0	positive
ebruhwiler	RT @catoletters: Defeat the Establishment: Brexit https://t.co/EsampHpoQ6	23 Jun 2016, 06:39 - CEST	Los Angeles	2	negative
languillem	Le Brexit en tÃªte dans deux sondages https://t.co/hkALDplkYl	23 Jun 2016, 06:39 - CEST	france	0	positive
mpk	The UK has to roll 6 or more on 1d20 to save against Brexit. What happens if it rolls a critical failure? https://t.co/mXVfn1v3NC	23 Jun 2016, 06:39 - CEST	ZÃ¼rich, Switzerland	0	negative
actualite24	Brexit les Britanniques du sud de la France s"inquiÃ¨tent pour leur avenir. #RT https://t.co/7czIahOGNw https://t.co/mAoIhJDhyH	23 Jun 2016, 06:39 - CEST	France	0	negative
BR_Schwaben	Schwabens Wirtschaft und der Brexit: Was wÃ¤re wenn? https://t.co/TXNaUlj9fo	23 Jun 2016, 06:39 - CEST	Schwaben	0	negative
rizza_mohammad	RT @itradeph: Asian Stocks flat/lower as count down to Brexit vote just hours away...	23 Jun 2016, 06:39 - CEST	Republic of the Philippines	1	negative
stirileonline ro	BREXIT. Zi decisivÄƒ pentru viitorul Uniunii Europene. TabÄƒra proBrexit, avantaj fragil, potrivit ultimelor s... https://t.co/wtZURih2hI	23 Jun 2016, 06:39 - CEST		0	positive
Post_Iccia	RT @francofontana43: Brexit. Il problema dell'Inghilterra, e non solo...	23 Jun 2016, 06:39 - CEST	Vicchio, Toscana	2	negative

	L'apertura de @ilmanifesto https://t.co/QuBD9rM6GH				
orionfishing	"To stay, or not to stay, that is the question". Today for all UK people.... Interesting what the voting Will show..... #Brexit or #Bremain	23 Jun 2016, 06:39 - CEST	Urk, The Netherlands	0	negative
Booking_offers	RT @CLM_net: How will UK tourism be affected by Brexit?: Britain's tourism industry, while resilientâ€¦ https://t.co/CqF350ozkA	23 Jun 2016, 06:39 - CEST	Latvija	1	neutral
OpenMfndedRecs	RT @ASAPNewsLIVE: The nonBrits guide to Brexit @CNN https://t.co/BOL8fC4Bac	23 Jun 2016, 06:39 - CEST	Northern Arizona	219	positive
SebastianInVi	RT @Forbes_Mexico: Peso se tranquiliza ante posible derrota del #Brexit en referendo. https://t.co/PF7YMI3yTQ	23 Jun 2016, 06:39 - CEST	Mexico	3	negative
acucobol	RT @undercovermag: Judgement day #Brexit OUT OUT OUT OUT OUT OUT OUT OUT OUT OUT OUT OUT OUT OUT OUT OUT OUT OUT OUT OUT OUT OUT OUT OUT OUT OUT OUT OUT OUT OUT OUT OUT OUT OUT OUâ€¦	23 Jun 2016, 06:39 - CEST	iPhone: 51.466492,-2.605621	1	negative
beshe0327	RT @nhk_news: ã€ã‚ã,¤ã,®ãƒªã,¹å›½æº“æŠ•ç¥¨ã€‘ã,¤ã,®ãƒªã,¹ãƒ§è¡Œã‚ã,‚ã‚ã‚‹ã‚‹ã‚‹

			Antonio Chile		
cumulus76	Â¿El fin del sueÃ±o europeo? 'Brexit' o 'Bremain', los britÃ¡nicos deciden suÂ futuro https://t.co/nMXeMI0obB	23 Jun 2016, 06:56 - CEST		0	negative
joanberna	If you want, today... #brexit	23 Jun 2016, 06:56 - CEST		0	negative
shiontokoharu	RT @nhk_news: ã€ã‚ã,¤ã,®ãƒªã,¹ã›ï¼æº‘æŠ•ç¥¨ã€‘ã,¤ã,®ãƒªã,¹ã§§è¡Œã,Œã,Œã,‹é›¢ï¿½ã‚Œã,±ã‚®è³›å‰ã,’å•ã‚†ã‚Šï¼æº‘æŠ•ç¥¨ã‚¯ã‚¯ã‚¼ã,ã‚ªã‚ãæŠ•ç¥¨ã‚Œå§‹ã‚ã‚¼ã,Šã‚¼ã‚™ã€,æœ€æ–°ã•®ä¸–è«–ï¿½ãŸ»ã•§ã•¯æ®‹ç•™ãƒ»é›¢ï¿½ã‚Œæ–°ã‚ªã‚ãã‚ã£ã‚ã‚ãã‚ã£ã‚ã£ã‚ã£

BevPostma	Only mad dogs and Englishmen (..& Scotsmen, Welshmen & Northern Irishmen, & women) #BrExit . https://t.co/HE5yaeLqog https://t.co/4lEltR2nre	23 Jun 2016, 06:56 - CEST	Singapore	0	negative
tovimagr	#vimafinance Standard+Poor's: Î¤Î±Î‡Î¤Î±Î½,Î±Î¼,Î·Î…Ï€Î¿Î¯Î¼Î¼Î¼

sandramartel	Ese matrimonio necesita terapia y no un divorcio. A hrs de saberlo @InfobaeAmerica: #Brexit: Tiembla un gigante y el mundo espera atÃ³nito	23 Jun 2016, 07:13 - CEST	PERÃš	0	negative
NikauGlobal	Final Brexit Appeals Made as Polls Diverge on Referendum Eve https://t.co/Q2YQ002wrv	23 Jun 2016, 07:13 - CEST	Auckland, New Zealand	0	neutral
VivierGroup	Final Brexit Appeals Made as Polls Diverge on Referendum Eve https://t.co/qCIZ4YEYPT	23 Jun 2016, 07:13 - CEST	Private Wealth Management	0	neutral
GaryPWarner1	Final Brexit Appeals Made as Polls Diverge on Referendum Eve https://t.co/HMWJNyqiOd	23 Jun 2016, 07:13 - CEST	Auckland City, New Zealand	0	neutral
alihfar	Final Brexit Appeals Made as Polls Diverge on Referendum Eve https://t.co/hLomzU1V6Z	23 Jun 2016, 07:13 - CEST	Auckland, New Zealand	0	neutral
GladiatorPosse	RT @robezenk: @libertytarian They're gonna chicken out... #Brexit https://t.co/qcqA7ICeDj	23 Jun 2016, 07:13 - CEST		1	negative
bigirwenkyaj	RT @TIME: Mud, music and 12hour traffic jams as Glastonbury clashes with Brexit vote https://t.co/NbSSx3MxSr	23 Jun 2016, 07:13 - CEST	Entebbe, Uganda	23	neutral
AairwolfDevine	RT @FionnaighHessey: Only one of many reasons I will be voting LEAVE. #Brexit https://t.co/9zhlmBAqxb	23 Jun 2016, 07:13 - CEST		1	positive
TommyBarrs	RT @txbeardman: Ok Britain. It's midnight in Texas, but it's 6am your time. Go vote. #Brexit #VoteLeave #VoteLeaveTakeControl https://t.co/â€¦	23 Jun 2016, 07:13 - CEST		3	positive
rollieo122	RT @tagesschau: BrexitDossier: Goodbye nach 43 Jahren? https://t.co/XNb5m65v71 #Brexit	23 Jun 2016, 07:13 - CEST	West Sussex, UK	5	negative
TheSagarKumar	Game of Thrones Has a Lot at Stake in the Brexit Vote. Seriously. https://t.co/WjwSUslxE8 https://t.co/T9P3I8Gpbr	23 Jun 2016, 07:13 - CEST	à¤-à¤¾à¤°à¤¤	0	negative
FelixMorquecho	RT @eljukebox: Todo el mundo sabe que si el Brexit fuese a afectar a los espaÃ±oles votaria tambien EspaÃ±a.	23 Jun 2016, 07:13 - CEST	eibar	18	neutral
OutTheEU	RT @V_of_Europe: Even France would LEAVE the â€˜sadâ€™ EU if it had a referendum, top French philosopher says https://t.co/XHPxzxRaK3 https://tâ€¦	23 Jun 2016, 07:30 - CEST	Yorkshire and The Humber, England	56	positive
LBettie	RT @instyle_UK: Bed, leggings + 45 things we'd rather be IN right now (including Europe) https://t.co/02FpIBgZjn #Brexit #StrongerIn https:â€¦	23 Jun 2016, 07:30 - CEST		2	negative
UkraineHotNews	Ð ÐµÑ„ÐµÑ€ÐµÐ½Ð´ÑƒÐ¼ Ñ‰Ð¾Ð´Ð¾ Brexit: Ð´Ñ€Ð¸Ñ‚Ð°Ñ†Ñ– Ñ‰ÑŒÐ¾Ð³Ð¾Ð´Ð½Ñ– Ð²Ð¸Ñ€Ñ–Ñˆ Ð¿Ð¸Ñ‚Ð°Ñ‚ÑŒ Ð¿Ð¸Ñ‚Ð½Ñ• Ñ‡Ð»ÐµÐ½Ñ‚Ñ‚Ð² ÐºÑ€Ð°Ñ—Ð½Ð¸ Ð² Ð„Ð¡: Ð”Ñ–	23 Jun 2016, 07:30 - CEST	Kyiv (Kiev), Ukraine (ÐšÐ¸Ñ—Ð²,	0	neutral

	Ð»ÑŒÐ½Ð¸Ñ†Ñ– Ñƒ Ð²Ñ•Ñ–Ñ… 382 Ð²Ð¸Ð±Ð¾Ñ€Ñ‡Ð¸Ñ…..... https://t.co/gUmXddGp4I		ÐšÐ¸Ðµ Ð², Ð£ÐºÑ€Ð°Ñ—Ð½Ð°)		
ma_am_42_21	RT @ndaktuell: #GroÃŸbritannien entscheidet: Â»RemainÂ« oder Â»LeaveÂ«? Referendum Ã¼ber â•°den Verbleib in der EU lÃ¤uft https://t.co/fuKKKE5i00 #Bâ€¦	23 Jun 2016, 07:30 - CEST	Weltmetropolorf Wien.	4	negative
ETMarkets	F&O data shows #Brexit or no Brexit, #Nifty may not slip below 8,000 https://t.co/uX5U1DakII By @kshanand https://t.co/cL9wP3SSJ4	23 Jun 2016, 07:30 - CEST		0	neutral
reneverkroost	RT @geertwilderspvv: Britain, today you can make history! Independence Day. #Brexit https://t.co/cCecLxTDWO	23 Jun 2016, 07:30 - CEST		71	positive
lzzer	RT @thehill: Trump on Brexit: "I donâ€™t think anybody should listen to me" https://t.co/eLE9Fh2CHQ https://t.co/OwvnX2W3Ri	23 Jun 2016, 07:30 - CEST	5280	18	positive
mbellido	RT @LoyolaEcon: AnÃ¡lisis del Prof. @macarflo en La Semana EconÃ³mica: el Brexit. https://t.co/0l7Y2zGoqP	23 Jun 2016, 07:30 - CEST	EspaÃ±a	4	neutral
fxnewsfeedcom	Euro to Look Past PMI Data with "Brexit" Worries at the Forefront https://t.co/z8L41rploJ	23 Jun 2016, 07:30 - CEST		0	positive
hanshafner	Yes! I can't wait to not have to listen to your twisted rants in the European Parliament. Please leave!! #Brexit https://t.co/Dc4jXOTRTM	23 Jun 2016, 07:30 - CEST	Berlin, Germany	0	positive
m_barisione	RT @FrankVollmer: #Brexit: Titelseiten britischer Zeitungen am heutigen Referendumstag. V.a. BoulevardblÃ¤tter werben fÃ¼r EUAustritt. httpsâ€¦	23 Jun 2016, 07:30 - CEST	milano & genova, italy	1	negative
tsangarisp	Remain or Leave? Today is the day #uk #brexit #england #eu #EUreferendum https://t.co/jzFrdkOzBP	23 Jun 2016, 07:30 - CEST	CYPRUS Nicosia	0	negative
Dr_Esterichia	@ForreMarti @ElTegid alguien puede explicarme quÃ© pasa? Aqui solo hablan de futbol y brexit. Debajo de los pirineos no hay nada. Gracias!	23 Jun 2016, 07:30 - CEST	marsella	0	negative
Sophiesweb33	RT @MizzVileAnimalO: @sandralaegel @AliasStAlias @Sophiesweb33 @MaryamNamazie @Capeheritjamie #isisAREMuslims #Brexit #VoteLeave #Remain htâ€¦	23 Jun 2016, 07:30 - CEST		1	negative
DagmarLieder	"Rasismen som jag mÃ¶tte skrÃ¤mde mig" @hzhelena:s krÃ¶nika via @svtnyheter https://t.co/Yeq8a9HAnw #Brexit	23 Jun 2016, 07:30 - CEST	GÃ¶teborg	0	negative
mlb10384	https://t.co/WQT5ofxL17 #CitizenRadio (2016/06/23) Choose Your Own Adventure, NYPD treating minor infractions like crimes of the century, â€¦	23 Jun 2016, 07:30 - CEST	DE	0	negative
Pennywise1957	#PiosenkanadziÅ› https://t.co/YZubcdg7sX #Brexit	23 Jun 2016, 07:30 - CEST	Warszawa, Polska	0	NA

lucasferreiramf	Brexit Ã© nova tentativa britÃ¢nica de flexibilizar comunidade europeia https://t.co/6bDTFvqvfF	23 Jun 2016, 07:30 - CEST		0	positive
BetOnPolitics	BREXIT: THE UK DECIDES Get 4/1 Remain or 10/1 Leave when you join Betfair: âž¡ https://t.co/MK2RjOpEnm #EURef https://t.co/JjiiRfd1kD	23 Jun 2016, 07:30 - CEST	Odds for every candidate:	0	negative
NOGUESmarc	RT @beaudetstephane: #Brexit or not brexit ? In or out ? Telles sont les questions du jour ! Et la rÃ©ponse ne sera pas sans consÃ©quence surâ€¦	23 Jun 2016, 07:30 - CEST		1	negative
DavidXRobinson	#Brexit #VoteRemain #VoteRemain #StrongerIn https://t.co/Mduv8jDK5q	23 Jun 2016, 07:47 - CEST	Berkshire	0	negative
alvarofiucci1	RT @ZampieriChiara: A poche ore dal voto #Juncker avverte: "Fuori Ã¨ Fuori" #Euro burocrazia MINACCIA il popolo! #VoteLeave #Brexit https â€¦	23 Jun 2016, 07:47 - CEST		10	positive
west_ham_mad1	RT @nobleart16: In a nutshell #brexit #VoteLeave https://t.co/ZA9McjG9D9	23 Jun 2016, 07:47 - CEST	Essex	1	positive
M_Reinsch	Song fÃ¼r den Tag.#brexit https://t.co/PViDdKE7WD	23 Jun 2016, 07:47 - CEST	Berlin	0	positive
tommoholland	RT @jimmydolittle1: Merkel comes out in support of Brexit VOTE LEAVE https://t.co/ySvW9Wunoa	23 Jun 2016, 07:47 - CEST		1	positive
UtterQuatsch	RT @davidschneider: Brexit latest. After John Barnes yesterday, 100 Nazi scientists have just rung Sky News to say Gove got it wrong.	23 Jun 2016, 07:47 - CEST	Manchester	35	negative
jeanclauro	RT @KimJongUnique: En cas de #Brexit, Hollande sera "inflexible" selon Macron. Comme avec LÃ©onarda, Martinez, les antifas... https://t.co/Gâ€¦	23 Jun 2016, 07:47 - CEST		13	neutral
reuben_padilla	If the UK votes against the EU then the PM most likely will resign. Voting starts right now in UK. #Brexit @AJENews https://t.co/M8KinVjBEu	23 Jun 2016, 07:47 - CEST		0	negative
Arissturtle	RT @ajplus: London's mayor Sadiq Khan crushed a recent #Brexit debate â€" while fasting. Mic drop, please. https://t.co/cN5jMmfvmQ	23 Jun 2016, 07:47 - CEST	Albuquerque, NM	391	negative
ruddiantosuraj	Pabrikan Otomotif Cemas Hadapi Brexit https://t.co/gMsiFgWksH #LoveU	23 Jun 2016, 07:47 - CEST	DKI Jakarta	0	negative
buell003	RT @MTaylorCanfield: The latest Global News Feed! https://t.co/oGHqw9M8Pn #brexit #euref	23 Jun 2016, 07:47 - CEST	Southern California	1	neutral
BrigitteGiorgio	Be careful! Le brexit fera dÃ©river la GB jusqu'au pÃ´le nord , et une pluie de haricots rouges s'abattra jusqu'Ã Ã©cÅ“urement #manipulation	23 Jun 2016, 07:47 - CEST		0	negative
SlatersonChris	RT @benkalcher: It won't be easy, hell it may even look like a mistake at first, but let's be brave, let's call June 23 independence day. #â€¦	23 Jun 2016, 07:47 - CEST	UNITED STATES	2	neutral

riteshzeenews	LIVE Leave or Remain: UK votes in EU referendum https://t.co/NAGMW1H7DM https://t.co/IXl0Pl82Fg	23 Jun 2016, 07:47 - CEST	New Delhi	0	negative
the_AndyG	I ain't even British, yet I'm nervous/excited to see the result of the Brexit vote. HUGE vote	23 Jun 2016, 07:47 - CEST	Chicago	0	negative
BitcoinMad	Bitcoin Trades Like Gold as Investors Seek Brexit Hedges: Chart https://t.co/oPig7UPVfs #bitcoin #crypto #news	23 Jun 2016, 07:47 - CEST	London	0	neutral
samiashahbaz04	RT @iamsrk: I c this trend in News where leaving of someone or something is headlined as Rexit or Brexit.So if I leave from sumwhere am Iâ€¦	23 Jun 2016, 07:47 - CEST		3189	positive
McShaffy	The whole brexit things was born by hates and racist British people!	23 Jun 2016, 08:04 - CEST	In and around the world	0	negative
nasosgrigo	RT @INTHENOWRT: #BREXIT and Donald Trump are actually the same thing via @ANOWRT https://t.co/rp1sPRJkhE	23 Jun 2016, 08:04 - CEST	ÎŸÏ€Î¿Ï…Î³Î±Ï¼Î¿Ï‚ Î¹Î±Î¹ Ï‡Î±Ï•Î±.....	99	neutral
CamilleDbm	RT @Slatefr: Â«RemainÂ»Â ou Â«LeaveÂ», l'Europe va devoir se bouger https://t.co/SbpS0vAoH9	23 Jun 2016, 08:04 - CEST		3	neutral
RealDonJohnston	RT @LimaCharlieNews: It's #Brexit time. #ChooseWisely Laughs courtesy of #JohnOliver @LastWeekTonight https://t.co/iejcrlECtY	23 Jun 2016, 08:04 - CEST	Jersey City, NJ	5	positive
MauriceMeer	Inwoners zullen verdeeld zijn, ongeacht de uitslag. To brexit or not to brexit: wat je moet weten /via @NOS https://t.co/yhECtKcd5o	23 Jun 2016, 08:04 - CEST	Roelofarendsveen	0	negative
Jesucri76657946	RT @IndigndeVerdad: #Tips Remain 49% Leave 51% #VoteLeave #Brexit	23 Jun 2016, 08:04 - CEST		1	positive
billyboymc1975	PLEASE PLEASE PLEASE VOTE TODAY DONT SAY YOUR VOTE TO LEAVE AND DONT VOTE MAKE THE EFFORT TO SAVE THE UK #BREXIT https://t.co/aL3iCcsFyZ	23 Jun 2016, 08:04 - CEST	EC1 BOY!!! B-A-B	0	positive
british_fascist	All those in EU top jobs are Jews or hard line left/right Jewish servants. #Brexit #VoteLeave https://t.co/DLwxezVZpi	23 Jun 2016, 08:04 - CEST	England, United Kingdom	0	positive
answers_news	EUé›¢è„±ã®æ˜¯é žã,'å•ã†ã,¤ã,®ãƪã,¹ã®å›½æº'æŠ•ç¥¨ãŒã§ã‹ã,Šã¾ã—ãŸã€,è£½è¬-ç•Œã¸ã®å½±éŸ¿ã,'ã¾ã¨ã,ã¦ã,ã,Šã¾ã™ã€, ã€ŒBrexitã€ã®å½±ã€è£½è¬-æ¥-ç•Œã«ã,,â€¦EFPIAãŒæ®‹ç•™è¨´ã^ã€€è‹±å›½ã®EUé›¢è„±ã•§æ¥ç•Œã«ä½•ã•ŒèµãŒ“ã,‹ https://t.co/6ifT8Aca2t #AnswersNews	23 Jun 2016, 08:04 - CEST		0	neutral

RecordingLight	https://t.co/r1C5Z5goAd	23 Jun 2016, 08:04 - CEST	the sound booth	0	NA
AdNewspapers	RT @News_In_Essex: EU referendum 2016 live: Essex voters head to polling stations to...: After months of campaignin... https://t.co/r26IcvMâ€¦	23 Jun 2016, 08:04 - CEST	United Kingdom	1	negative
PRI	'Brexit' supporters are appealing to the UK's curry lovers to win Thursday's referendum. https://t.co/ctgDV4H4rA https://t.co/vtE41sbHwz	23 Jun 2016, 08:04 - CEST		0	positive
Maxete26	RT @JuanLabordah: https://t.co/kcfkPGsARD CaÃdas mercados financieros Ãºltimas semanas no sÃ³lo Brexit: mercados sobrevalorados, inflados porâ€¦	23 Jun 2016, 08:04 - CEST		3	negative
mattiewietze	We doen even een #Brexit! Tot 09.00 uur geen Adele, One Direction, Ed Sheeran, Ellie Goulding, Coldplay, Jessie J... https://t.co/YKquSZSXG4	23 Jun 2016, 08:04 - CEST	Nederland	0	neutral
blvlaw	Brexiteer films himself 'illegally' crossing Channel with migrants https://t.co/J9kDhK1QjI	23 Jun 2016, 08:04 - CEST	West Midlands/Worcestershire	0	negative
AliLeonardMC	#UK friends .... #Brexit or Bremain ? The financial folk say no ! What do you say & why ?	23 Jun 2016, 08:04 - CEST	NZ	0	negative
sundaybusiness	#Brexit: Today voters have a chance to reject the most heinous campaign ever run in Britain, writes @susanokeeffe https://t.co/QZE86ifeO9	23 Jun 2016, 08:04 - CEST	Dublin city, Ireland	0	negative
dft	Column @martinvisser 'Grootschalige Britse chantage van bevolking Europa. Laat ze vertrekken' https://t.co/EoWjfIbnAq #Brexit	23 Jun 2016, 08:04 - CEST		0	negative
up_tanja	#brexitÃ¤Ã¤nestyspÃ¤ivÃ¤. Olin viime viikolla Lontoossa ja aihe alkoi kiinnostaa, koska se tunki kaikkialta. Toivon, etteivÃ¤t irtaudu.	23 Jun 2016, 08:04 - CEST	Helsinki	0	negative
Binnsy_46	RT @1u4m4: 80% of Americans believe Britain & the world would have a better future with BREXIT https://t.co/u4Nwng5Xts https://t.co/jbzI7eâ€¦	23 Jun 2016, 08:04 - CEST	Lincolnshire, England	48	positive
mr_andrey63	RT @lentaruofficial: ÐŸÐ¾Ñ‡ÐµÐ¼Ñƒ Brexit Ñ‚Ð¿Ð°Ñ‚ÐµÑ, Ñ‚ÐºÐ¾Ð½Ð¾Ð¼Ð¼Ð¸Ð¸ ÐµÐ´Ð¸Ð½Ð¾Ð' Ð•Ð²Ñ€Ð¾Ð¿Ñ‹: https://t.co/E672hk3qcX https://t.co/BsFLM7M9sC	23 Jun 2016, 08:22 - CEST		6	negative
charlotte101987	RT @LisaHenegauwen: #EU laws strip Britain of its Magna Carta rights, don't let EUrulers take liberties with history #voteleave #brexit htâ€¦	23 Jun 2016, 08:22 - CEST		6	positive
VonOberg	#Brexit Himmel, Arsch und Zwirn! Ich fÃ¤nde es sehr schade wenn sie austreten, aber wenn sind sie selbst schuld!	23 Jun 2016, 08:22 - CEST	Soest, Deutschland	0	negative
edwatkinson	RT @britishbullybee: Demolished: The four big lies told by the Remain campaign https://t.co/ihNroJSkmy	23 Jun 2016, 08:22 - CEST		15	negative

SaraRtweetsEd	RT @USATODAY: #BREAKING Voting begins on 'Brexit' referendum: Will the UK stay in the EU? https://t.co/hbRkt4aaRI	23 Jun 2016, 08:22 - CEST	Washington, DC	15	negative
Super__Cyan	@PaulbernalUK has anyone even spoke about what #Brexit would mean for our surveillance laws?	23 Jun 2016, 08:22 - CEST		0	negative
ParisFranceNews	Nigel Farage refuses to apologise for 'Breaking Point' poster in final pitch to voters https://t.co/7LNh5lIHQO #GoogleAlerts	23 Jun 2016, 08:22 - CEST	Paris	0	neutral
SebShearer	Really interesting coverage on Sky 510 @cctvnews too. @SkyNews @BBCNews @euronews #EURef #EUreferendum #brexit #VoteLeave	23 Jun 2016, 08:22 - CEST		0	positive
France24_fr	Brexit : les Britanniques se prononcent sur leur maintien dans l'UE https://t.co/rc9Jeo3CND https://t.co/H9oayPf5rP	23 Jun 2016, 08:22 - CEST	Paris	0	neutral
LSMusic2020	RT @ChargerGreg2: #Brexit https://t.co/hecOtMe2Ir	23 Jun 2016, 08:22 - CEST	United States	5	neutral
riverajanessa	ÐšÑ€ÐµÐ¼Ð»ÑŒ Ð¿Ñ€ÐµÐ¾Ð¾Ð¼ÐµÐ½Ñ‚Ð¸Ñ€Ð¾Ð²Ð°Ð» Ñ•Ð»Ð¾Ð² ÐšÑ‚Ð¾ÐµÑ€Ð¾Ð½Ð°Ð° Ð¾Ð± Ð¡Ð½Ñ‚ÐµÑ•Ðµ ÐŸÑƒÑ‚Ð¡Ð°Ð° Ðº Brexit https://t.co/Q9EvSdHCN9	23 Jun 2016, 08:22 - CEST	ÐœÐ¾Ñ•ÐºÐ²Ð°, Ð Ð¾Ñ•Ñ•Ð¸Ñ•	0	negative
SpaceKwest	RT @DavidJo52951945: RT I was at the polling booth for 7am to vote to LEAVE the EU after years of waiting (use a pen) #Brexit #iVoted httpâ€¦	23 Jun 2016, 08:22 - CEST	ConciÃ«rgeloge/bezemkast	83	positive
never_everS21	Will you stay or will you leave? That's the question. Good morning, Britain! #Brexit	23 Jun 2016, 08:22 - CEST		0	positive
Maz_zaroth	RT @ianrmillard: "Major leak from Brussels reveals NHS will be â€˜KILLED OFFâ€™ if Britain remains in the EU"#VoteLeave #EUref #r4today httpsâ€¦	23 Jun 2016, 08:22 - CEST		9	neutral
JESS_AR_BS	A snapshot of the VERY balanced BREXIT research KS3 students have undertaken in the build up to this historic day. https://t.co/DyKASeXaZv	23 Jun 2016, 08:22 - CEST		0	positive
Master2001_3	RT @TristeMietitore: Moneta propria, unitÃ di misura, guida diversa: onestamente non ho mai percepito la Gran Bretagna dentro l'UE. #Brexit	23 Jun 2016, 08:22 - CEST	Marche - Italy	6	neutral
GNOpinion	Gulf News lead editorial: #Britain should vote to stay in the #EU https://t.co/EVnioBMA6F #EUreferendum #Brexit	23 Jun 2016, 08:22 - CEST		0	neutral
htntp_	feeling british today! #brexit	23 Jun 2016, 08:22 - CEST	Nordrhein-Westfalen	0	negative
SantosSainzM	RT @FR_Conversation: #Brexit, une affaire Dreyfus Ã l'anglaise, par Benjamin BÃ¢cle #EUref https://t.co/vQgwBJ1vOj https://t.co/J76BSHNaFq	23 Jun 2016, 08:39 - CEST	Bordeaux, France	1	neutral
e_sud_b	RT @trendincontent: EU referendum: Final ComRes poll shows large lead for Remain #Brexit https://t.co/xx45wkBi0v https://t.co/QEXIp22aGR	23 Jun 2016, 08:39 - CEST	Alabama	10	negative
SgtLovejoy	RT @Reuters_co_jp: é›¢è„±ã‰ã‰æ®‹ç•™ã‰ã€‚è‹±å›½ãŒæ"'æŠ•ç¥¨ã‰Œã‰„ã‚ˆã‰„ã‚ˆé	23 Jun 2016, 08:39 - CEST	ãƒ•ãƒ©ãƒ³ãƒ¾	104	negative

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dsonpolitics	Vote duly cast for #Leave let's take this chance! #EUref #Brexit #BeLeave #VoteLeave	23 Jun 2016, 08:39 - CEST	Oxford	0	positive
seputartradings	OBLIGASI FR56 Kembali Hijau Saat Pasar Tunggu Referendum Brexit https://t.co/8iWq1dHRfT	23 Jun 2016, 08:39 - CEST	Solo	0	neutral
tomn94	RT @yannthompson: #Brexit Il est bientÃ´t 7h ici, ouverture des bureaux de vote dans 10 minutes. Fermeture 15h plus tard ! https://t.co/w5Acâ€¦	23 Jun 2016, 08:39 - CEST	Pawnee - Scranton France	10	negative
WomenDefyUKIP	RT @sueveneer: Jeff Mitchell's best photograph: â€˜These people have been betrayed by Ukipâ€™ https://t.co/SM7wSsmevs	23 Jun 2016, 08:39 - CEST		3	neutral
hughrimington	Can you pass the Brexit test? I must have been payng attention because I got 8 out of 8 correct. https://t.co/FrVZzc2c3w	23 Jun 2016, 08:39 - CEST	Sydney, Australia	0	negative
who2stu	RT @LisaHenegauwen: The #EU is a sinking ship what we have to abandon Reclaim your sovereignty before it's too late! #nexit #brexit https:â€¦	23 Jun 2016, 08:39 - CEST		44	positive
DemoGrazzi	RT @Trev_Forrester: Save these Islands from domination by a foreign power #Brexit https://t.co/Ffemvzyjkg	23 Jun 2016, 08:39 - CEST		127	neutral
mrshazellburger	RT @DailyMailUK: The four big lies told by the Remain campaign https://t.co/9U4JgWH8XU https://t.co/yFj05jisbz	23 Jun 2016, 08:39 - CEST		49	negative
MootjeNadal	#Brexit	23 Jun 2016, 08:39 - CEST	Manchester, England	0	negative
ES_investigator	RT @busybuk: Warning when you go to Vote on Thursday take either a permanent marker or a Pen with you to Vote in this Referendum PLEASE RETâ€¦	23 Jun 2016, 08:39 - CEST	In your head	167	negative
emilyr_williams	genuinely scared #Brexit might win	23 Jun 2016, 08:39 - CEST	London	0	negative
Seun731	How is it going? #BREXIT?	23 Jun 2016, 08:39 - CEST	Nigeria.	0	negative
ukipsalford	RT @LeaveEUOfficial: Tomorrow's @pestononsunday features @PennyMordauntMP, @Nigel_Farage & @SteveHiltonx making the case for Brexit. https:â€¦	23 Jun 2016, 08:39 - CEST	pendlebury salford â˜º	130	positive
Think_Blue_Sky	I wish to live in a worldwide street, not a european culdesac #Brexit	23 Jun 2016, 08:39 - CEST	London	0	negative
FearnJenni	RT @DavidJo52951945: EU depend on the UK market, trade deficit was Â£23 billion in the EU's favour JanMarch 2016.WE WILL GET A TRADE DEAL hâ€¦	23 Jun 2016, 08:39 - CEST	Monmouth	38	positive

jice61	RT @LOrientLeJour: Donald #Trump se rend en #Ecosse en plein vote sur le #Brexit https://t.co/rEmR2xtcj7	23 Jun 2016, 08:39 - CEST	France	1	positive
joaquimsacouto	@xismaisxis sÃ³ de ouvir isto eu voto no brexit	23 Jun 2016, 08:39 - CEST	Porto, Portugal	0	negative
bmcnaughton1	RT @offensivecuppy: EU wants to censor the Internet again? #Brexit #VoteLeave #EUReferendum #BBCDebate https://t.co/kT2A00Lmed	23 Jun 2016, 08:56 - CEST	Ontario, Canada	2	positive
delalande72	RT @franceinfo: EN DIRECT #brexit or not #brexit, dÃ©bat entre les dÃ©putÃ©s europÃ©ens Nicolas Bay (FN) et Yannick Jadot (EELV) Ã 7h45 sur Fâ€¦	23 Jun 2016, 08:56 - CEST	rp et sarthe, nimes	9	neutral
josedeynes	#Brexit #bremain #brexit poll #leave #remain https://t.co/2HntCoVADP	23 Jun 2016, 08:56 - CEST	Isabela, PR	0	neutral
sam_kirke	RT @V_of_Europe: Farageâ€™s final rallying call: â€˜Itâ€™s us versus the Establishment go and vote for Britain' https://t.co/LfRgbPr9PF	23 Jun 2016, 08:56 - CEST		100	neutral
capariwar	Brexit: EU referendum voting gets underway inÂ UK https://t.co/rh5CjxrbI9	23 Jun 2016, 08:56 - CEST		0	neutral
svagdis	RT @rgenci57: You know, you want it! Happy #Leave #Brexit ers! Tomorrow this time you'll celebrate! https://t.co/S1KSnFJzlO	23 Jun 2016, 08:56 - CEST		7	positive
HenkPuffelmans	Moeten we bij een #brexit straks ook balen thee in het Kanaal gooien?	23 Jun 2016, 08:56 - CEST	Harder wijk	0	negative
Jack_hades1	@infomex2012 Resumen dedicado a Nochixtlan y el Ãºltimo dÃa antes del BREXIT/BREMAIN: Este es un breve resumen... https://t.co/NXNHUhvKft	23 Jun 2016, 08:56 - CEST	El tartaro	0	negative
TeresaBlckbrn	RT @theordinaryman2: A lastminute plea: #voteLeave and help change the course of history #iVoted #LeaveEU #Brexit #remain #INorOUT https â€¦	23 Jun 2016, 08:56 - CEST	South England, near the sea	43	negative
drewwhufc	RT @WantEnglandBack: Julia Hartley Brewer You don't need to trust politicians to vote for Brexit. Just trust yourself @telegraphnews htt â€¦	23 Jun 2016, 08:56 - CEST		19	positive
Novini1	#Đ½Đ°Đ»Đ¸Đ¸Đ¸ĐºĐ¾Đ¼ĐµĐ½Ñ,Đ°Ñ€Đ¸ Brexit ĐºĐ°ĐºĐ²Đ¸ Ñ‰Đµ Ñ•Đ° Đ¿Đ¾Ñ»Đ»ĐµĐ´Ñ,Đ²Đ¸Ñ,Đ° Đ½Đµ Ñ•Đ°Đ¼Đ¾ Đ·Đ° Đ'ĐµĐ»Đ¸ĐºĐ¾Đ±Ñ€Đ¸Ñ,Đ°Đ½Đ¸Ñ• https://t.co/zqeNvXEbNG	23 Jun 2016, 08:56 - CEST		0	negative
IRVING_kira	#EL OTRO 5ANTUARIO: Resumen dedicado a Nochixtlan y el Ãºltimo dÃa antes del BREXIT/BREMAIN: Este es un breve ... https://t.co/ReejyrmTGO	23 Jun 2016, 08:56 - CEST	distrito federal	0	negative

gordie_ross	DonÂ´t leave, I love E.U. #VoteRemain #EUref #Brexit #BorisJohnson #NicolaSturgeon #NigelFarage #Guardian #DailyMail	23 Jun 2016, 08:56 - CEST		0	neutral
AdrianMulholla1	RT @UKIPNFKN: UK would be bonkers to leave EU, says Michael Moore #StrongerIN #VoteIN #EUref #INorOUT #INTogether #Brexit https://t.co/wiâ€¦	23 Jun 2016, 08:56 - CEST		3	neutral
No_No_Coco	Because infographics really do hold the key to everything...last minute #Brexit summary for you. #VoteRemain https://t.co/iiJqRJQj6L	23 Jun 2016, 08:56 - CEST	London	0	negative
FredSimonEU	So what next? After Brexit: Roadmap for a leap in the dark @EurActiv https://t.co/6ztjJVHLsy	23 Jun 2016, 08:56 - CEST	Brussels, Belgium	0	negative
thatjordyshea	Everyone's entitled to their own opinion on brexit but why does the leave support look like a bad season of celeb big brother? #EUref	23 Jun 2016, 08:56 - CEST		0	positive
MrtnMrt	RT @marcosalvati: Nessun uomo Ã¨ un'isola, completo in se stesso; ogni uomo Ã¨ un pezzo del continente, una parte del tutto. (J. Donne 1624)â€¦	23 Jun 2016, 08:56 - CEST		11	neutral
Jackandstella	The Brexit polls are too close to call, which means the UK will vote â€œremainâ€• https://t.co/prIuqluUTd via @qz	23 Jun 2016, 08:56 - CEST	Australia	1	negative
ex941petti	RT @IndiaNotes: tradebizz india1: https://t.co/FZTU5P9Fwk Sensex, Nifty open flat ahead of Brexit vote; Tata Motors gains 23 June 2016	23 Jun 2016, 08:56 - CEST	tawau	42	neutral
rosswilliams0	@vladsten @kjimenezgarcia if UK votes Brexit get your spare room ready cause I'm coming to live with you	23 Jun 2016, 09:13 - CEST	London	0	positive
revistacostabl1	RT @OsreOscar: #LACAFETERAPapaCuentameOtraVez Da gusto ver los medios como denuncian los corruptos, antes Gibraltar ahora Brexit. https://tâ€¦	23 Jun 2016, 09:13 - CEST		1	positive
YarboughBur	RT @nytimesworld: On Twitter, even cats (and dogs) are getting into the 'Brexit' debate. https://t.co/BEUi3nrkZI https://t.co/C7dNdNJezm	23 Jun 2016, 09:13 - CEST		37	positive
mark007x007	RT @politicsHour: Should the UK remain a member of the EU or leave the EU? #Brexit #EUReferendum	23 Jun 2016, 09:13 - CEST	South West, England	8	neutral
SunTzuPing	RT @TheSun: Make history believe in yourself & our countryâ€™s greatness vote LEAVE https://t.co/UtgHNXbGTw #euref https://t.co/QnW6AcOzmY	23 Jun 2016, 09:13 - CEST	Santa Barbara California	220	positive
Dr_Lucie	RT @JennyRohn: In case you're still undecided @Stephen_Curry on Blood and Brexit https://t.co/impJa1WWFPâ€¦ @guardiansciblog #EUreferendum	23 Jun 2016, 09:13 - CEST	UK	2	negative

abacusnemo	RT @V_of_Europe: Cameron redfaced after German official says Brussels WILL trade with Britain after Brexit #iVoted https://t.co/x4yOrU0mbg	23 Jun 2016, 09:13 - CEST	South East England.	135	neutral
BetchavaBisbis	ÎŸ Î¤Î±Î¼Î€ ÎÎ±Î¼Î±Î¼Î±Î¼ÏŽÏ€Î· ÎºÎ±Î¹ Ï„Î¿ Î•Î»Î»Î·Î½Î¹Îº Î³Î¹Î± Ï„Î¿ #Brexit. Î'Î¿ ÏƒÎ¼Î±Ï„Î¿Î³Î¹Î¿Ï…Î¼Î µ Î±ÏŽÏ…Ï„Î¿Ï½ Î°Î±Î¹ Ï„Î¿Ï…Î¿ Ï+Î¯Î»Î¿Ï…Î¿Ï…Ï„Î¿Ï… ÎÎ½Î µ ÎÎ½Î± Ï+Î¹Î»Î¯ : #LoveEurope https://t.co/1SybQuKPxm	23 Jun 2016, 09:13 - CEST	here	8	negative
andyblacknell	RT @Christianitymag: 12 perfect songs for your #Brexit or #Bremain worship setlist https://t.co/NqYcVw52H5 #EUreferendum https://t.co/GoBuâ€¦	23 Jun 2016, 09:13 - CEST	London	16	negative
SegnalazioniSS	RT @pin_upicierno: Bruxelles minaccia gli inglesi... "Se uscite dall'Europa starete molto meglio!" #Brexit	23 Jun 2016, 09:13 - CEST	Sassari, Sardegna	1	negative
the_stocking	Everything You Need To Know About Brexit: Hello Traders, We have been getting lots ofâ€¦ https://t.co/cKg0MZim8y	23 Jun 2016, 09:13 - CEST	Gurgaon	0	positive
jesabfm	RT @ActualidadRT: Comienza la votaciÃ³n en el Reino Unido para decidir si seguirÃ¡ o no siendo miembro de la UE https://t.co/6HORXT7Upe httpsâ€¦	23 Jun 2016, 09:13 - CEST	Spain	48	neutral
trxtrx1	RT @afderas: quindi per #taddei la #brexit Ã¨ come il #referendum di ottobre... che si perda o si vinca Ã¨ uguale, restiamo #omnibusla7	23 Jun 2016, 09:13 - CEST		1	negative
ferendus	Si el Brexit fuera en EspaÃ±a en la papeleta de AragÃ³n se verÃa "sÃ, pero pol'haba" y "hemos de salir". Para los foranos: es no y sÃ.	23 Jun 2016, 09:13 - CEST	http://about.me/ferendus	0	neutral
Erco94	RT @p_corradini: E oggi la Gran Bretagna potrebbe sancire la fine della UE. Loro che hanno sempre fatto come c...o gli pareva. #Brexit	23 Jun 2016, 09:13 - CEST		1	negative
paultimperley	RT @DanHannanMEP: My three minute #Brexit pitch, via @CNN. https://t.co/lVvbXTv904	23 Jun 2016, 09:13 - CEST		142	neutral
karmel_sianturi	https://t.co/qKv0UKZJWN	23 Jun 2016, 09:13 - CEST	Medan Kota, Indonesia	0	NA
edwards_marie	RT @McGiff: Right, polls are open, letâ€™s GO! #Brexit #VoteLeave @pete_rai https://t.co/TapGtnmp1H	23 Jun 2016, 09:13 - CEST	Hampshire	58	positive
blackapollo	My eightyearold thinks he could be deported if we vote for Brexit https://t.co/bjZyl48HX4	23 Jun 2016, 09:13 - CEST	Cambridge, UK	0	negative

mwengway	RT @V_of_Europe: Brexit WON'T spark trade war say GermansÂ https://t.co/1OyQG3Iudv	23 Jun 2016, 09:30 - CEST		94	negative
ibngibril	RT @rorybroomfield: Let's make the #UK free again! #VoteLeave #Brexit #EURef	23 Jun 2016, 09:30 - CEST	Allahuac k Bar	6	positive
CrustyDinosaur	RT @westerndefence: Today, we get to choose again whether we want to be free. #Brexit https://t.co/u1g8QLqb8B	23 Jun 2016, 09:30 - CEST	New Malden Surrey	2	positive
FundStrategy	Exclusive: Brexit fears? UK equity managers cut UK stocks to lowest in three years https://t.co/FW2VPxV9at	23 Jun 2016, 09:30 - CEST	London, UK	0	negative
JeroenMil	RT @ooohouchburn: Today is the last chance the UK will get to fly free from the fascist European Union. #Brexit, Believe #VoteLeave https:/â€¦	23 Jun 2016, 09:30 - CEST		13	positive
OhSoNicolle	RT @JessEspinX: don't be fooled, Brexit is NOT the answer. #VOTEREMAIN #VOTEIN https://t.co/6K1EAZE0ob	23 Jun 2016, 09:30 - CEST		1	negative
Grassy_Knoll	RT @onetokebloke: Done ! Have you #Brexit https://t.co/al0bTCsi28	23 Jun 2016, 09:30 - CEST	A food tube in Sector 7-G	81	positive
denizen42	RT @efarpax1: Î¤Î¿ Brexit Î¸Î± Îºî±ï„ÎÏƒÎ„ï¿½Îµï†Îµ ï„Î·Î½ ÎºÎ³Î³Î»Î¯Î± Î•Ï½ÏŽ ï„Î¿ Grexit, Î¸Î± Îºî±ï„ÎÏƒÎ„ï•Îµï†Îµ ï„Î·Î½ Î•ï…ï¿½ÏŽÎ€Î· #Syriza_ malÃ¡kes	23 Jun 2016, 09:30 - CEST		9	negative
mark24823687	RT @Gjon777: Jacob ReesMogg on Osborne's Brexit Budget 15062016: https://t.co/YUY78VVcHV via @YouTube	23 Jun 2016, 09:30 - CEST	UK Hull	23	neutral
sadiejarrett	RT @BenjaminJames15: Funny how many Welsh people I see posting #TogetherStronger when it comes to football yet they dont see that for the bâ€¦	23 Jun 2016, 09:30 - CEST	Cardiff, Wales	2	positive
terraceblue1886	#VoteLeave #Brexit https://t.co/xzBRwctdQl	23 Jun 2016, 09:30 - CEST		0	positive
SputnikNews_SK	#Brexit #Brexit#Brexit #Brexit#Brexit #Brexit#Brexit #Brexit#Brexit #Brexit#Brexit #Brexit#Brexit #Brexit#Brexit #Brexit	23 Jun 2016, 09:30 - CEST		0	NA
BubbleTrends	Trending News about https://t.co/7mFmkVGSKU Brexit Vote #BubbleTrends	23 Jun 2016, 09:30 - CEST		0	positive
NPORadio1	To brexit or not to #brexit? #NPORadio1 live vanuit Londen met @chrkijne en @jorisluyendijk: https://t.co/DnLQySf7hf https://t.co/iAMe0msm7V	23 Jun 2016, 09:30 - CEST	Hilversum, The Netherlands	0	neutral
jobruma	Del Brexit i d’altres qÃ¼estions no menors https://t.co/STbLQPrsbj	23 Jun 2016, 09:30 - CEST	Sabadell	0	negative
emucientes	Para no perderse nada del referÃ©ndum britÃ¡nico, el envivo de @elmundoes https://t.co/Xzazg366JU @maria__hdez @anabarrio	23 Jun 2016, 09:30 - CEST		0	negative
ThibautMathieu	#Brexit or not #Brexit that is the question.	23 Jun 2016, 09:30 - CEST	Versailles	0	neutral

stefanmschultz	RT @BoeckingD: Remain or leave? In UBahnWaggon 96418 ist das Stimmungsbild zum #Brexit eindeutig: https://t.co/6ZijDl0XR9	23 Jun 2016, 09:30 - CEST	38.446631,-9.102796	12	positive
FinanzLinks	â–¶ Raiffeisen: BrexitReferendum, Solar City, Tesla Motors und Staatsanleihen im Blickpunkt: Dasâ€¦ https://t.co/6TxtrN1dMV #News â™š 4INVESTORS	23 Jun 2016, 09:30 - CEST		0	neutral
DavidTrevor10	Cost of living will FALL once we #BREXIT https://t.co/ikRlmaHhR1	23 Jun 2016, 09:30 - CEST		0	neutral
bcomininvisible	RT @OwenJones84: If Brexit happens, we will face the fights of our lives and we have to prepare. My video: https://t.co/2srq39cOLw https:â€¦	23 Jun 2016, 09:47 - CEST	In my bed, tweeting	1546	negative
andyknox2	RT @V_of_Europe: Cameron redfaced after German official says Brussels WILL trade with Britain after Brexit #iVoted https://t.co/x4yOrU0mbg	23 Jun 2016, 09:47 - CEST	uk	267	neutral
iphone_mr	RT @DavidJo52951945: RT I was at the polling booth for 7am to vote to LEAVE the EU after years of waiting (use a pen) #Brexit #iVoted httpâ€¦	23 Jun 2016, 09:47 - CEST	The End of the world	380	positive
wendyeknapp	RT @Multi_Ling_Mat: Hold your tongues: why #language learners fear a vote for #Brexit https://t.co/J3cMhAbfxE #eureferendum #bilingualism #â€¦	23 Jun 2016, 09:47 - CEST		5	negative
GraduatesChroni	In gran Bretagna, nella giornata di oggi, si voterÃ il famoso Brexit, ovvero il Referendum per restare o meno... https://t.co/hOGIKn1Vzk	23 Jun 2016, 09:47 - CEST		0	neutral
awyliu	RT @LouiseMensch: The Morning Star's socialist editorial for Vote Leave and #Brexit https://t.co/IkfRj2vjgj	23 Jun 2016, 09:47 - CEST	London, UK	7	positive
_MarketViews	FTSE 100 breaks 6,300 and pound hits 2016 high as Brexit vote gets underway https://t.co/QTY2i4TrQm @Telegraph	23 Jun 2016, 09:47 - CEST	London	0	positive
chiara_salvi	Mi si nota di piÃ¹ se resto ma sto in disparte, o se me ne vado? #Brexit	23 Jun 2016, 09:47 - CEST		0	negative
Larysaaa_	@ArtKillwater Niemcy i tak dyktujÄ… wszystkim warunki a #Brexit to byÅ‚by zimny prysznic. ByÄ‡ moÅ¼e inne kraje teÅ¼ zacznÄ… wychodziÄ‡ jeÅ›li UK	23 Jun 2016, 09:47 - CEST		0	negative
Markiswin	RT @madeupstats: This account's been quiet for a while, but due to the fact that the Brexit campaign have stolen a lot of our material, weâ€¦	23 Jun 2016, 09:47 - CEST	Manchester, UK	68	negative
GordonGekko_101	RT @WSJ: Brexit vote: what to watch as the U.K. goes to the polls https://t.co/NHPgTciXvv	23 Jun 2016, 09:47 - CEST	Wall Street	11	neutral
Wealth_Vertex_	Pound, euro higher ahead of Brexit vote #forextrader #forexnew #trading #WealthVertex https://t.co/IU4taPsJvh	23 Jun 2016, 09:47 - CEST	Singapore	0	positive
SueIngSimmons	What does this ACTUAL MEP say about Brexit. A MUST watch especially if you're still undecided. https://t.co/4p6YfoCrpW	23 Jun 2016, 09:47 - CEST	High Wycombe, UK	0	negative

MaryKapadia	RT @theordinaryman2: The #EU bans the word #Brexit ? #EUReferendum #LeaveEU #VoteLeave #StrongerIn #InOrOut #LabourInForBritain https://tâ€¦	23 Jun 2016, 09:47 - CEST	Leicester, England	134	negative
chances999	RT @labourleave: The polls are open! Get out and use your vote to help us create an independent Britain. #Brexit #EUref https://t.co/h8EeUAâ€¦	23 Jun 2016, 09:47 - CEST	ONTHER EGISTER	184	positive
MrScopolamin	RT @DavidJo52951945: YOUR COUNTRY NEEDS YOU TO VOTE LEAVE TODAY #Brexit https://t.co/00t9A7nVLd	23 Jun 2016, 09:47 - CEST		217	positive
highgatealex	RT @DavidJo52951945: RT if you have voted to LEAVE the EU today #iVoted #Brexit #Freedom https://t.co/a5JkBNjKwE	23 Jun 2016, 09:47 - CEST	London	423	positive
BMouthPR	Rain and thunder in #Brexit land... ...Don't let my people go! #StrongerIn. #Remain.	23 Jun 2016, 09:47 - CEST	United Kingdom	0	negative
vgul	RT @axelheitmueller: Whatever your views on #Brexit the biggest sin you can commit today is not to vote. Democracy is fragile and a gift.	23 Jun 2016, 09:47 - CEST	London	1	positive
PierToso	Dear UK, without the "Ever closer union" you can go away, with no regrets. #Brexit #BrexitOrNot	23 Jun 2016, 09:47 - CEST	Fidenza, Italy	0	negative
KrangnesLars	RT @Queen_UK: David Beckham is backing remain. This is mainly because he can't spell Brexit. #EUref	23 Jun 2016, 10:04 - CEST	Stockholm, Sverige	851	negative
EconomyWrld	Brexit vote 'would mean a UK recession' https://t.co/WqZqV032Qj https://t.co/eaJgyqucZ4	23 Jun 2016, 10:04 - CEST	United States	0	negative
WOB_BLATT	"Brexit"Gefahr verunsichert fast jedes zweite deutsche Unternehmen https://t.co/rbcucGFv7Q	23 Jun 2016, 10:04 - CEST	Wolfsburg	0	negative
Monalisazelf	RT @florianeder: Sorry und gute Reise: Mit "Respekt und Bedauern", so wÃ¼rde die EU auf den #Brexit reagieren. https://t.co/WWClKi6MzD	23 Jun 2016, 10:04 - CEST		2	negative
catarinagallo	RT @Alasdair91: #EURef #Brexit UK "expats" moaning about immigrants. OH THE IRONY! Got a cheek to moan about "changing" our ways. https:â€¦	23 Jun 2016, 10:04 - CEST	Netherlands	3	negative
UkipRob	RT @WAFEFuk: #BREXIT DAY @BRESU_ #WAFEF UK https://t.co/TTafxEotuU	23 Jun 2016, 10:04 - CEST		3	neutral
TGuerreroBlanco	RT @plalanda_II: DimensiÃ³n de la inversiÃ³n bruta de UK en EspaÃ±a y stock de empleo correspondiente #Brexit (Elaborado por SIfdi) https://â€¦	23 Jun 2016, 10:04 - CEST	Madrid (Spain)	3	neutral
velvetsilk	Brexit have grabbed all the headlines and stooped despicably low. A vote for Leave is aligning with extremists, with people without a plan.	23 Jun 2016, 10:04 - CEST	England, United Kingdom	0	positive

vivianstarrrr	RT @theordinaryman2: Its your decision ? Like for #IN Retweet for #OUT #EURef #VoteLeave #Brexit #VoteRemain #InOrOut #Labour #VoteOUT htâ€¦	23 Jun 2016, 10:04 - CEST		44	positive
NewsSprinkles	RT @Independent: When the EU referendum result will be announced https://t.co/9kWnoH4NG4	23 Jun 2016, 10:04 - CEST	Winterfell	14	neutral
StevenDawsonSD	#Brexit or not, your business must be prepared for any possible outcome https://t.co/4lbv84nQqx #OracleEmp #Intel	23 Jun 2016, 10:04 - CEST	Frankfurt, Germany	0	neutral
DomCalderon	#dc â€˜Brexitâ€™: las Ãºltimas encuestas y las claves del referÃ©ndum https://t.co/tWZ5DhdLeP	23 Jun 2016, 10:04 - CEST	Costa Rica	0	negative
teddybearisms	RT @Steven_mala: Jeremy Corbyn makes the case for Brexit EU referendum 2016 https://t.co/UgaTHzfvQa via @YouTube	23 Jun 2016, 10:04 - CEST	at the pub, now &$#% off.	2	neutral
OnVista_News	Der Freitag nach dem #BrexitReferendum dÃ¼rfte kein normaler Handelstag werden nicht nur fÃ¼r BÃ¶rsianer in London https://t.co/qXzF8TPrVs	23 Jun 2016, 10:04 - CEST	Frankfurt am Main, Germany	0	negative
_lethabo17	More than 40% of fortune 500 companies were started by immigrants and children of immigrants. Amazing stat hey . #Brexit	23 Jun 2016, 10:04 - CEST	Pyongyang, North Korea	0	positive
dioXyn	Bundesregierung vor dem Brexit: Klappe zu und durch: [taz.de] Berlin hat Angst davor, dass die Briten die EUâ€¦ https://t.co/ARcihuBCim	23 Jun 2016, 10:04 - CEST		0	negative
MizzVileAnimalO	RT @wride_nicholas: @jeremycorbyn you voted to dissolve the UK. Luckily you will never get to Number 10. #Brexit #labour #NHS #momentum	23 Jun 2016, 10:04 - CEST	Cornwall	1	neutral
firstpost	#BrexitOrNot: 'No turning back', #EU leaders warn #Britain from a vote to quit. Follow live: https://t.co/J0kCfrtdeZ https://t.co/huJCJqg8nF	23 Jun 2016, 10:04 - CEST		0	negative
PeterHase2014	@the_mehran @interUNFAO What did the Romans ever do for us? Don't we all know where this Brexit came from? Rampant antiMuslim xenophobia?	23 Jun 2016, 10:04 - CEST		0	negative
Lloyd_Ash	RT @RT_com: WATCH LIVE: #Brexit referendum underway in UK https://t.co/qDUkPWwxIt https://t.co/YkrhbcccDC	23 Jun 2016, 10:04 - CEST	Calgary - Mount Royal U	3	neutral
KaliYuga13	RT @BobEstropajo: Â¿Â¿CÃ³mo va a irse Gibraltar de la UniÃ³n Europea sin preguntar al resto de espaÃ±oleeeees?? #Brexit	23 Jun 2016, 10:21 - CEST		39	negative
tony_anthp	RT @Daily_Express: Britain CAN'T tackle mass immigration unless we QUIT EU today, Brexit MP says #EUref https://t.co/yQAjia067W https://t.câ€¦	23 Jun 2016, 10:21 - CEST		3	negative

mike_space_49	RT @josedeynes: Poundâ€™s Day of Destiny Arrives as History Shows Whatâ€™s Possible https://t.co/gYTxwUKyo1 via @business #Brexit #bremain #leâ€¦	23 Jun 2016, 10:21 - CEST	Puerto Rico, USA	1	negative
conchacornejo	RT @diazvillanueva: Hoy es lo del Brexit. Una no, dos ContracrÃ³nicas al efecto. https://t.co/mVD4Jmz1rz | https://t.co/fyGNye4eu1 https://tâ€¦	23 Jun 2016, 10:21 - CEST	Madrid	2	negative
SRDorman	RT @LondonDynaslow: I am a Tory Eurosceptic #Remain voter. #Brexit is simply not an intelligent choice at the moment. https://t.co/9CsDSbbâ€¦	23 Jun 2016, 10:21 - CEST	Edinburgh, Scotland	2	negative
RogerFNPrati	RT @RobertoFioreFN: #Brexit per l'Europa della pace e della #libertÃ . Uscire dalla #Ue dei ricatti, dell'usura e adesso, perfino degli omicâ€¦	23 Jun 2016, 10:21 - CEST		1	negative
Douglas_Nilsson	RT @TravellerAU: What the Brexit could mean for travellers to the UK and Europe https://t.co/uEXoVVPeGo	23 Jun 2016, 10:21 - CEST	Stockholm, Sweden, Earth	5	neutral
Charli3dog	RT @KevinAnth: SMASHED!!! FOUR BIG LIES TOLD BY REMAIN CAMPAIGN https://t.co/P3nvNAyBoB #Brexit #VoteLeave #Vote_Leave #StrongerIn	23 Jun 2016, 10:21 - CEST	ENGLISH not European	33	neutral
BiancheriLaura	RT @nausicalibre: https://t.co/3S4VUqkwOj Les tarÃ©s technocrates LRPS de l'UE, font un lien entre #Brexit et les nazi!=> Provoquer la peurâ€¦	23 Jun 2016, 10:21 - CEST	Annonay, RhÃ´ne-Alpes	3	negative
annembee	RT @LeaversOfPower: Walltowall Remain speeches on BBCNews24. Since they are TOTALLY impartial, I guess Gove, Gisela and Boris are havingâ€¦	23 Jun 2016, 10:21 - CEST	England	5	neutral
France_leve_toi	RT @pmcouteaux: #Brexit Un "effet indirect" plutÃ´t? De tt faÃ§ons, ce n'est pas l'anglais que parlent les EuropÃ©ens, mais l'amÃ©ricain https:â€¦	23 Jun 2016, 10:21 - CEST		1	negative
Parthlan	RT @OhBrokenBritain: BREXIT BOMBSHELL: Poll puts Leave SEVEN POINTS ahead of Remain hours before referendum https://t.co/iLuOrrcRGZ	23 Jun 2016, 10:21 - CEST		9	neutral
AlChiari	RT @fdragoni: La #Brexit? Un grosso affare per gli allibratori che potrebbero voler far credere che sia piÃ¹ probabile il #Remain https://t.â€¦	23 Jun 2016, 10:21 - CEST		9	negative
EliasAnyebe	What is this brexit thing	23 Jun 2016, 10:21 - CEST	Nigeria	0	neutral
OFX_OZ	Big day today as the UK decides to #Brexit or #Bremain. Don't forget OFX is open 24/7 during the #EUReferendum, including weekends! #support	23 Jun 2016, 10:21 - CEST	Sydney	0	negative
MockLabour	RT @TheSun: We speak to the nationâ€™s grafters on the #Brexit frontline before referendum of a lifetime https://t.co/TPVahbFRDZ https://t.coâ€¦	23 Jun 2016, 10:21 - CEST	Fabulous Sussex	30	neutral
DankefuerNixx	#Brexit #BrexitOrNot watching this EU misery! if you're smart u get out! if you want #Dictatorship #Merkel und a Muslim GB stay.	23 Jun 2016, 10:21 - CEST		0	neutral
Maaanick	RT @RTenfrancais: #Brexit entrainera "l'apocalypse Ã©conomique" selon Georges #Soros, Jacques Sapir lui rÃ©pond https://t.co/74JMfzsfH7 httpsâ€¦	23 Jun 2016, 10:21 - CEST	Paris	8	neutral

kreisnagel	RT @ManuelaKC: My Brexit Diary: The #Brexit ball #BrexitOrNot @dw_business https://t.co/0D39bcjC47	23 Jun 2016, 10:39 - CEST		1	negative
FcNoman	RT @iamsrk: I c this trend in News where leaving of someone or something is headlined as Rexit or Brexit.So if I leave from sumwhere am Iâ€¦	23 Jun 2016, 10:39 - CEST	Comilla, Bangladesh	3455	positive
gabriel4347	@LesEchosLive un des premiers effets bÃ©nÃ©fique du Brexit sera le dÃ©part de #Cameron	23 Jun 2016, 10:39 - CEST		0	neutral
PaulinaNeustart	RT @chrisuport_port: #britaininout #goodbyeUK #Brexit #BrexitOrNot #ivoted #Merkel https://t.co/EFwAnf3dlX	23 Jun 2016, 10:39 - CEST	Germany	7	negative
RosChappell	RT #Brexit WANTS US TO IGNORE EXPERT ADVICE @georgemagnus1 @dannyjpalmer @timjohnston_89 @Scientists4EU @caketin85 https://t.co/eucswtjlGE	23 Jun 2016, 10:39 - CEST		0	negative
VilleTynkkynen	#politologi'n vuoden ehkÃ¤ mielenkiintoisin pÃ¤ivÃ¤ on tÃ¤nÃ¤Ã¤n. #Brexit #Remain #StrongerIn #standbyme	23 Jun 2016, 10:39 - CEST		0	negative
loopvlak	#Johnson neemt er eentje op Brexit = Hij heeft nog last van het Imperium virus! https://t.co/gJHYJfebyJ via https://t.co/44MuRLpW76	23 Jun 2016, 10:39 - CEST	somewhere in the milky way	0	negative
MiddletonRiddle	RT @Independent: Leave supporters are very suspicious about the pencils at polling stations https://t.co/ygRdXrcx66 https://t.co/m4FcG3197J	23 Jun 2016, 10:39 - CEST	London	14	positive
barbycottontail	RT @liz_buckley: Shattered from thunder & lightning and worry about the monster Brexit created. I feel like I'm in a really cheap Frankenstâ€¦	23 Jun 2016, 10:39 - CEST		4	negative
worldnewsday	Ð Ð˜Ð• Ð¾Ð¾Ð²Ð¾Ñ‚Ñ‚,Ð¸ | Ð' Ð¼Ð¸Ñ€Ðµ: ÐŸÑ€ÐµÐ¼ÑŒÐµÑ€ Ð'Ñ€Ð¸Ñ,Ð°Ð½Ð¸Ð¸ Ð¸Ð¸Ð´Ðµ Ð»ÐµÐ¹Ð±Ð¾Ñ€Ð¸Ñ‚Ñ,Ð¾Ð² Ð¿Ñ€Ð¾Ð³Ð¾Ð»Ð¾Ñ•Ð¾Ð²Ð°Ð»Ð¸ Ð½Ð° Ñ€ÐµÑ„ÐµÑ€ÐµÐ½Ð´ÑƒÐ¼Ðµ Ð¾ Brexit https://t.co/9qdFxBNhzH	23 Jun 2016, 10:39 - CEST	Russia, Moscow	0	positive
wastespecialist	RT @JacksonT0ny: Our dear neighbours & friends are saying 'please remain'. So let's do just that. We're #StrongerIn #EUref https://t.co/1â€¦	23 Jun 2016, 10:39 - CEST	North Yorkshire	62	negative
cut_the_crap_ec	RT @cholt_1: #VoteLeave #TakeBackControl #TakeControl #Brexit https://t.co/TMOzmYNBUZ	23 Jun 2016, 10:39 - CEST	USA, UK, Israel	47	positive
uk_rants	I really didn't think this whole "I'd kiss all who vote #Brexit" through, did I? https://t.co/agZF4Wa1Tj	23 Jun 2016, 10:39 - CEST	UK	0	negative
Hay_Quaker	RT @Lad87Red: Get out & #VoteRemain. Don't ignore expert after expert & gamble on Britain's future all for the big #Brexit con#Remain #Eâ€¦	23 Jun 2016, 10:39 - CEST	Hay on Wye, Wales	12	negative
JohanBigSmile	Si les anglais vote pour le brexit vous pensez que Ã§a va accuser l'islam ou pas ?	23 Jun 2016, 10:39 - CEST	Paris, Ile-de-France	0	negative

StefanoVP2013	RT @rgenci57: You know, you want it! Happy #Leave #Brexit ers! Tomorrow this time you'll celebrate! https://t.co/S1KSnFJzlO	23 Jun 2016, 10:39 - CEST		22	positive
StichtingLOOP	Gevolgen van #Brexit voor de zorg onduidelijk. https://t.co/0bFGLbDOPs	23 Jun 2016, 10:39 - CEST	Nederland	0	negative
AvP_opleiding	Gevolgen van #Brexit voor de zorg onduidelijk. https://t.co/V8U3JnA4Pa	23 Jun 2016, 10:39 - CEST		0	negative
pramodkrrawat	à¤®à¥à¤¸à¤²à¤®à¤¾à¤¨à¥‹à¤‚, à¤•à¥‡ à¤•à¤¾à¤°à¤£ à¤¹à¥‹ à¤°à¤¹à¤¾ à¤¬à¥à¤°à¤¿à¤Ÿà¥‡à¤¨ EU à¤¸à¥‡ à¤¬à¤¾à¤¹à¤°, à¤œà¤¨à¤®à¤¤ à¤¸à¤‚à¤—à¥•à¤°à¤¹ à¤†à¤œ #Brexit #referendum https://t.co/5fdi0lp9wo	23 Jun 2016, 10:39 - CEST	Haridwar	0	negative
J_Manasa	@moralmyopia and a lot of rights and things are enshrined in EU law and I don't trust the Tories to uphold them if we brexit.	23 Jun 2016, 10:39 - CEST	josh_m_lee@outlook.com - LDN	0	negative
CozzolinoSalvo	Dedicata a tutti i miei amici UK..... #brexit #Bremain https://t.co/ItebgRmtHz	23 Jun 2016, 10:56 - CEST	Milano	0	negative
midiario	Abren las urnas en Reino Unido para el referendo sobre la UE https://t.co/IMNWpjs1mm #Internacionales	23 Jun 2016, 10:56 - CEST		0	negative
NiallQuinn	Interesting @SkyNews giving 'breaking news' status to latest @ons UK population stats showing 500k increase. Surely plays into #Brexit ?	23 Jun 2016, 10:56 - CEST	Dublin	0	positive
InvestingTR	Brexit ABD Ä°Ã§in Sorun Olmayabilir de Olabilir de https://t.co/f5TCkHARgJ	23 Jun 2016, 10:56 - CEST		0	neutral
HoxtonHill	Pouring with rain but also boiling, clearly the #britishweather is as upset about potential Brexit as I am #VoteRemain	23 Jun 2016, 10:56 - CEST		0	negative
heidup24	#viral Oil down after small U.S. drawdown; seen choppy before Brexit vote... https://t.co/HefAEVLyUV	23 Jun 2016, 10:56 - CEST		0	negative
CharWalters65	Brexit Referendum Live Updates: Vote Results, Stock Market Reactions And What Happens Next If The UK Leaves The EUâ€¦ https://t.co/mfk7bnUzdi	23 Jun 2016, 10:56 - CEST	United States	0	positive
TheAustinRhodes	RT @Chinky_Ree: David Camelon getting despelate now: "If we leave the EU, there will only be 24 letters left in the Alphabet" #Brexit	23 Jun 2016, 10:56 - CEST	Shit Creek	2	positive
labonam	Jour de voteÂ : la presse britannique majoritairement proÂ«Â BrexitÂ Â» https://t.co/vLjMzjylw4	23 Jun 2016, 10:56 - CEST	Toulouse	0	neutral
mikeBinESP	RT @2tweetaboutit: How the European dream died: Cheers as @Nigel_Farage nails case for Brexit while Merkel fumes https://t.co/SXo0t4I8uC	23 Jun 2016, 10:56 - CEST	Malaga, Spain	62	neutral
alanmaddison20	@jackjoh01219520 @bcomininvisible Brexit refuse to say they will reduce immigration let alone by how much.It is a rightwing coup!	23 Jun 2016, 10:56 - CEST	Tyne and Weary, England	0	negative

Tactical_Things	RT @amc0010: Leaked Letter Reveals That David Cameron Hatched Anti Brexit Plot https://t.co/6P6EmA2EBh via @peoplesvoice_tv	23 Jun 2016, 10:56 - CEST	UK	3	negative
Collectif_VAN	RT @BFMTV: Brexit: la Turquie veut absolument le maintien du RoyaumeUni dans l'UE https://t.co/puBFUYTaTR https://t.co/1e0T8tudpw	23 Jun 2016, 10:56 - CEST	Issy-les-Moulineaux [France]	10	negative
suffolkliz	@swedesforbrexit Will be voting Leave for UK &all of our European cousins today! #wearefamily Let's do this!#brexit https://t.co/9ZXLP8eoWz	23 Jun 2016, 10:56 - CEST		0	positive
Splash_247	RT @SafetyOrProfit: If you're in the #UK, in #maritime and allowed to #vote, read this: https://t.co/g88E2SQvBy #Remain	23 Jun 2016, 10:56 - CEST		3	negative
Mark887309061	RT @ANDREASSTAVRI: @ProudPatriot101 #BREXIT BOMBSHELL: Poll puts Leave SEVEN POINTS ahead of Remain hours before referendum https://t.coâ€¦	23 Jun 2016, 10:56 - CEST	England, United Kingdom	7	neutral
hazardnews365	#viral Oil down after small U.S. drawdown; seen choppy before Brexit vote... https://t.co/ilVbVlF5mY	23 Jun 2016, 10:56 - CEST		0	negative
MarkinCW5	@StrongerIn @SadiqKhan Utter bollocks the #EU is parasitic and our relationship needs to end #BREXIT	23 Jun 2016, 10:56 - CEST	Cheshire	0	negative
CharWalters65	Bitter â€˜Brexitâ€™ Campaign Could Turn on Record Number of Voters https://t.co/vmHiSfWGyh	23 Jun 2016, 10:56 - CEST	United States	0	negative
_Agatha_AB_	RT @polskathetimes: ElÅ¼bieta II nieoficjalnie popiera #Brexit? Tak twierdzi biograf krÃ³lowej https://t.co/mmjcMYgVIG https://t.co/WlSYdi6TkW	23 Jun 2016, 10:56 - CEST	PrzyszÅ‚oÅ›Ä‡ ma na imiÄ™ Polska!	9	positive
Fabri_Biscotti	Sleepless in the City Lets Traders Bet Billions on Brexit Result https://t.co/4HdBi4loFG via @business	23 Jun 2016, 10:56 - CEST	Surrey - UK	0	negative
AndreAltier	#RadioValle Ã¨ contro il Brexit, please don't leave us. | The Clash London Calling (Official Video) https://t.co/giSNzERs2I	23 Jun 2016, 10:56 - CEST	Arcisate, Lombardia	0	positive
ClaudiaJefferie	RT @OwenJones84: If Brexit happens, we will face the fights of our lives and we have to prepare. My video: https://t.co/2srq39cOLw https:â€¦	23 Jun 2016, 10:56 - CEST	London	1608	negative
VeldhuisC	RT @SpencerHills2: LETS TAKE BACK CONTROL OF OUR UNITED KINGDOM EVERY BRITISH SUBJECT MUST DO THERE DUTY @vote_leave #BREXIT #VICTORY X httâ€¦	23 Jun 2016, 10:56 - CEST	Noord-Holland	30	positive
subtel1	RT @obritom: Democratic duty done. #voteleave Steady stream of voters hope overwhelmingly #Brexit	23 Jun 2016, 10:56 - CEST	England	1	positive
Homenews365	#viral Oil down after small U.S. drawdown; seen choppy before Brexit vote... https://t.co/7QxnSGo22v	23 Jun 2016, 10:56 - CEST	Santa Clara	0	negative
MauroAluigi	RT @Dwalingen: Gorbachev warned the European people about the striking similarities between the #EU and Soviet Union . #Brexit https://t.coâ€¦	23 Jun 2016, 10:56 - CEST	bancario	88	negative

smackfairy	It's decision time! Don't let Britain go to waste!! #brexit #EUref #Remain https://t.co/RqFCB0riJJ	23 Jun 2016, 10:56 - CEST	London, UK (via Munich)	0	negative
anca_toader	RT @NickKristof: As Brits vote on Brexit, my column: R.I.P., Jo Cox. May Britain Remember Your Wisdom. https://t.co/aKsTqgLOn7 https://t.coâ€¦	23 Jun 2016, 10:56 - CEST	London, UK	5	positive
FabFfabien33	RT @charlemagne1968: #Brexit INCROYABLE! Les citoyens du Commonwealth rÃ©sidant au Royaume Uni votent au #Referendum!!! En plus des 2de genâ€¦	23 Jun 2016, 10:56 - CEST	Sud ouest France.	20	positive
ram191182	#Bremain vs #Brexit	23 Jun 2016, 10:56 - CEST	Mumbai	0	negative
QuantumExplorer	RT @ira_tenax: I'm Italian and I endorse #Brexit because we can be united only in freedom, sovereignty and rule of law. #VoteLeave https:/â€¦	23 Jun 2016, 10:56 - CEST		8	positive
hopbin	The #Brexit Alien, made whole after #Brexit team returns to orbiting mother ship. https://t.co/ciQ1fC3lf1	23 Jun 2016, 10:56 - CEST		0	neutral
ajit8_	RT @yiota143: By all means, vote to remain in the EU! #brexit Read: https://t.co/XfvQsEmdd6	23 Jun 2016, 10:56 - CEST	USS Britain	5	negative
unblogd	#VoteLeave #BrExit https://t.co/lUjVzKMh6T	23 Jun 2016, 10:56 - CEST	KÃ¶ln, Deutschland	0	positive
FFI2045	RT @isabell97789125: #Brexit https://t.co/hnNQcCKYwR	23 Jun 2016, 10:56 - CEST	FRANCE	2	neutral
nicholasaylott	RT @olsson_erik: Oavsett hur det gÃ¥r i dag kan detta vara en frÃ¥ga att stÃ¤lla sig. Har sÃ¶kt svar via bl a @nicholasaylott #Brexit https://â€¦	23 Jun 2016, 10:56 - CEST	Stockholm	1	negative
Contrepoints	RT @jipebe29: Brexit : que disent vraiment les partisans du Leave ? https://t.co/nd8d73BmdO via @Contrepoints	23 Jun 2016, 10:56 - CEST	Paris, France	1	positive
Fabrysilvia	RT @LeaveEUOfficial: Make sure you get out to vote today for our independence and a brighter future! #EUref #Brexit #VoteLeave https://t.coâ€¦	23 Jun 2016, 10:56 - CEST	Manchester, UK	223	positive
corbynjokes	Yo mama so dumb we have to say she's voting for Brexit because of political disengagement rather than racism or stupidity.	23 Jun 2016, 10:56 - CEST	Islington, London	1	negative
polskathetimes	A @Nigel_Farage dziÅ› od rana w doskonaÅ‚ym humorze... #EUref #Brexit Relacja na Å¼ywo: https://t.co/7UONeHTFjl https://t.co/8gQ8EDAryS	23 Jun 2016, 10:57 - CEST	Polska	0	positive
HusainAlmahmood	RT @docshayji: Ø¨ÙŠÙ† Ø§Ù„Ø¨Ù‚Ø§Ø¡ Ù‍Ù‍Ø§Ù„Ø§Ø¯Ø§Ø¯Ø§Ø¯ Ø§Ù„Ù^Ø±Ù^Ø¨ÙŠ(Ø£ÙƒØ¨Ø±Ø§Ù‚Ø¹Ø§Ø¯ Ù‍Ù‍Ù‍Ù‍Ø§Ù„Ø¹Ù‍Ù‍Ù… Ù„28 Ø¯Ù^Ù„Ø©) Ù^Ù„ÙŠÙ† Ø§Ù„Ù†Ù‍Ø§Ù„Ù… Ù…Ù† Ø§Ù„Ø§Ø¯Ø§Ø¯Ø§Ø¯ Ø§Ù„Ù^Ø±Ù^Ø¨ÙŠ!! #Brexit or #Remain Ù^Ø²Ø¯Ø¹Ù…â€¦	23 Jun 2016, 10:57 - CEST	Paris - France	3	negative

e_pitzky	RT @APatzwahl: Ich wette, das der #Brexit heute zugunsten der Gegner ausgeht. 50,35%. Das hat BrÃ¼ssel schon entschieden! #BrexitOrNot	23 Jun 2016, 10:57 - CEST		2	negative
boerse_talk	The latest @boerse_talk! https://t.co/P4RPgN9T5I Thanks to @GregorKuhn_IG #brexit #buy	23 Jun 2016, 10:57 - CEST	Frankfurt | Germany |	0	positive
ElyaNowogrodski	RT @Independent: Leave supporters are very suspicious about the pencils at polling stations https://t.co/ygRdXrcx66 https://t.co/m4FcG3197J	23 Jun 2016, 10:57 - CEST		37	positive
Fragile_mag	" Î"ÎµÎ½ Î¼Î'Î»Î¬Î¬Î¼ Ï€Î¿Î»Ï• , ÏƒÎ±Î¼Î´ÏŒÎ½ Î³Î'Î± Ï„Î¯Ï€Î¿Ï„Î±. Î›Î¿Ï…Î¾Î¬Î¬Î¼ Î¹Î±Î' Ï€Î¼Ï•Î'Î¼Î¼Î½Î½Î¿Ï…Î¼Î¼.... " #brexit #bremain https://t.co/wBkmbWkPoy https://t.co/g1GlvRK17A	23 Jun 2016, 10:57 - CEST		0	negative
grancake	RT @SocEconMag: Steve Hedley of @RMTunion makes the trade union case for #Lexit #VoteLeave #Brexit #EUref https://t.co/0LzR0fwIqv https:â€¦	23 Jun 2016, 10:57 - CEST	Staffordshire	33	positive
iamnews24	#viral Oil down after small U.S. drawdown; seen choppy before Brexit vote... https://t.co/YkoWpXPOXF	23 Jun 2016, 10:57 - CEST		0	negative
MarcoDaCostaFX	RT @elEconomistaes: Â¡Buenos dÃas! Hoy pendientes de Reino Unido que ya ha comenzado a votar Â¿Brexit o Bremain?https://t.co/yjgUIGyBaf httpsâ€¦	23 Jun 2016, 10:57 - CEST	Madrid, Spain	18	negative
AnneUrda	To Brexit or not to Brexit: that is the question facing Brits today. @Law360 is here in London and will have complete coverage of the vote.	23 Jun 2016, 10:56 - CEST		0	neutral
Monument_Macia	Salou i Magaluf tambÃ© votaran #Brexit	23 Jun 2016, 10:56 - CEST	VNG.CAT	0	positive
prestontowers	RT @pmdfoster: Ouch. via @DAaronovitch #Brexit #Remain #EUref #EUreferendum https://t.co/BCEVzwf1LG	23 Jun 2016, 10:56 - CEST	Lower Blue Mountains, NSW	39	negative
Woodlandbookshp	@barjohnhome @thecarolemalone Oh so jobs don't matter to you....got it. #ImAllRightJack #Brexit	23 Jun 2016, 10:56 - CEST	Cymru, United Kingdom	0	negative
lrodriguezhorca	A quien le importa una el Brexit, a mi nada, estÃ¡n tardando.....	23 Jun 2016, 10:56 - CEST	Madrid	0	negative
tt_saw	RT @eToro: What do you think the UK public will vote in next week's #referendum? #brexit	23 Jun 2016, 10:56 - CEST	England, United Kingdom	936	neutral
JennSelby	... Is quite similar to what my reaction will be if I do not wake up to dystopian postBrexit Britain tomorrow. https://t.co/mCwb5zpL0D	23 Jun 2016, 10:56 - CEST	London	0	neutral
TradingYuppy	RT @Fxflow: Do like Austin and LIVE trade the Brexit with us	23 Jun 2016, 10:56 - CEST		3	positive

	June 23 starting 2330 GMT https://t.co/l1yOvJcmbp https://t.co/m8pEYqgheY				
aronresebo	@Sauronsstock Tror inte man ska fÃ¶rvÃ¤nta sig fÃ¶r mkt dagen innan Brexit/Bremain, Ã¤ven om man anar utfallet. Gissar folk Ã¤r passiva nu.	23 Jun 2016, 10:56 - CEST		0	negative
iamjamup24	#viral Oil down after small U.S. drawdown; seen choppy before Brexit vote... https://t.co/7ZJUwqJB6c	23 Jun 2016, 10:56 - CEST		0	negative
JLLupstream	It's decision day in Britain. Check out the @FT live blog on the Brexit vote https://t.co/lTGYy4O4Oa https://t.co/2jRiw2TvVl	23 Jun 2016, 11:14 - CEST	London	0	positive
wakingthemonkey	I think this is a reason to #Leave don't you? #Brexit https://t.co/x7HMp47jVX	23 Jun 2016, 11:14 - CEST	West Yorkshire	1	positive
dvdsmpsn	"A RACIST nan who is fuelled entirely by hate has began her slow & unsteady journey to the polling station" #brexit https://t.co/dtqgSatls8	23 Jun 2016, 11:14 - CEST	Nottingham, England.	0	negative
omaticaya52	BREXIT, what's gonna be today? What do you think it must be??	23 Jun 2016, 11:14 - CEST	Chile	1	neutral
HMS_Indomitable	RT @ObliviousReaper: @Chrisuk1943 @jemimabond007 Brexit is having confidence in the country, rather than outsourcing its management to overâ€¦	23 Jun 2016, 11:14 - CEST	UK	1	positive
laurenpn	RT @UKIPNFKN: You won't 'get back your country' if you vote for a #Brexit you'll give it away #StrongerIN #VoteIN #Euref https://t.co/oâ€¦	23 Jun 2016, 11:14 - CEST		4	negative
albertof0000	RT @raramolecola: Detto in parole semplici e povere, ma a noi che non n abbiamo un soldo, MA CHE CAZZO CE NE FREGA DELLA GRAN BRETAGNA?!?!â€¦	23 Jun 2016, 11:14 - CEST	Pagani, Campania	42	negative
ParticleBiz	Gold Hugs $1070 Ahead Of Brexit Vote, More Yellen #JanetYellen #FOMC... https://t.co/NAlsGdGQ7l	23 Jun 2016, 11:14 - CEST	Santa Clara, CA	0	positive
FranTrombetta	@Corriere a 'mbe! notizione che traballi il Trono di Spade in caso di Brexit! @AndFranchini @andreaprincipi	23 Jun 2016, 11:14 - CEST		0	positive
macdonaldrtr	After #Brexit Roadmap for a leap in the dark https://t.co/1SHr71NGLN via @ReutersUK	23 Jun 2016, 11:14 - CEST	Brussels	0	negative
nickareay	@campbellclaret Excellent speech on #c4debate there is no manifesto, no case from Brexit. How can you vote for a cause with no plan or idea	23 Jun 2016, 11:14 - CEST	West Mersea, England	0	negative
HelleNico	"Making Sense of â€˜Brexitâ€™ in 4 Charts" by AMANDA TAUB via NYT The New York Times https://t.co/isua5Hfoxu	23 Jun 2016, 11:14 - CEST	Boston	0	neutral
24Espana	Brexit: GuÃa para seguir y no perderse nada en la noche del referÃ©ndum https://t.co/GrDKPH5yH5 #notÃcias #EconomÃa https://t.co/yw8eiDAthn	23 Jun 2016, 11:14 - CEST	EspaÃ±a	0	negative

hedviggunn	#brexit "â•¤"	23 Jun 2016, 11:14 - CEST	Sweden	0	neutral
noticias21es	Abren las urnas este jueves en Reino Unido para el histÃ³rico referÃ©ndum sobre el 'Brexit' https://t.co/BO2OBsZikm	23 Jun 2016, 11:14 - CEST		0	negative
Unstablesharк	RT @BeverleyTruth: #BREXIT FOR REAL FREE FAIR TRADE WITH AFRICA , SOUTH AMERICA AND THE WORLD https://t.co/PPHpztYmLE	23 Jun 2016, 11:14 - CEST		7	positive
hondacrv2	RT @DavidJo52951945: Now Merkel warns the EU is facing an immigration crisis from Africa god help us if we stay in the EU https://t.co/acpâ€¦	23 Jun 2016, 11:14 - CEST	kings Langley	20	negative
HelleNico	"Portraits of a Nation Contemplating a â€˜Brexitâ€™" by Unknown Author via NYT The New York Times https://t.co/vocMqsotif	23 Jun 2016, 11:14 - CEST	Boston	0	neutral
blackjackweiner	RT @PeterMagLob: https://t.co/v0L5ecbofB #BritainInOut #GoodbyeUK #RemainINEU #EUref https://t.co/LkHrqSGFME	23 Jun 2016, 11:14 - CEST	Germany	2	negative
AbuKhamr	RT @snarwani: I voted #brexit today. 1) When economies shrink, people get 'tribal', so EU is sunk anyway 2) As we can see, EU didn't protecâ€¦	23 Jun 2016, 11:14 - CEST		1	negative
Miningfin	RT @AndreVTP: The Ecstasy For Gold And The Brexit Vote $GLD https://t.co/t2aJU5dSg8	23 Jun 2016, 11:31 - CEST	The Vault	2	positive
Ash_Davo	RT @PPOffers: It's now 1/7 that the UK remains in the EU, with exiting out to 5/1! https://t.co/pLotIQ4cF0 #Brexit	23 Jun 2016, 11:31 - CEST		2	negative
timmieasdallas	The Interpreter: Making Sense of â€˜Brexitâ€™ in 4 Charts https://t.co/pMzJQ3BqyB	23 Jun 2016, 11:31 - CEST	Arizona, USA	0	neutral
scottthong	RT @PrisonPlanet: Wealthy elites manipulating bookie odds to make #VoteRemain seem inevitable? https://t.co/UbS0O16kRa #Brexit	23 Jun 2016, 11:31 - CEST	Malaysia	167	negative
davidlevasseur7	Empire like yours doesn't deserve to desapear https://t.co/ttunwtHjbd	23 Jun 2016, 11:31 - CEST		0	negative
mlgrufman	@AllanIvarsson hÃ¥ller hÃ¥ller med, tycker det kÃ¤nns lite vÃ¤l mkt risk on att stÃ¤nga 13601370 ish idag iom brexit mm	23 Jun 2016, 11:31 - CEST	Stockholm, Sweden	0	negative
the_max_doom	lesbian on popmaster! *votes brexit*	23 Jun 2016, 11:31 - CEST		0	positive
_dandell	RT @SpiegelPeter: Nervous about #Brexit much? Sterling volatility hits new highs overnigjt. @FT liveblog: https://t.co/tvZtTDmlk7 https://tâ€¦	23 Jun 2016, 11:31 - CEST	Vienna, Austria	6	negative
ShiftSprintDS	RT @BreitbartLondon: God Seems to Be Voting for Brexit https://t.co/syxBVnRpW2 https://t.co/3tLL5UTEg8	23 Jun 2016, 11:31 - CEST	L.A. Meltdown	10	neutral
TaleOf2Parties	RT @MarketWatch: U.S. stocks set for gains after Brexit polls point to â€˜stayâ€™ vote https://t.co/Fpp69qQhbC	23 Jun 2016, 11:31 - CEST		6	positive
DavideRibolini	RT @NicolaMorra63: #Brexit Gli inglesi esercitano il loro diritto di cittadinanza pur essendo sudditi della corona. A noi, che... https://tâ€¦	23 Jun 2016, 11:31 - CEST		4	positive

ethical753	RT @cnni: The nonBrit's guide to the EU referendum: https://t.co/6jLcwRkejB #EUref https://t.co/uttTHNdnJ7	23 Jun 2016, 11:31 - CEST	Chigwell, England	47	neutral
emmahokon1	RT @MarketWatch: These are the stocks to buy in the wake of Brexit, Trump and recession fears: https://t.co/P9jjb7DjjY https://t.co/NWLDd0Qâ€¦	23 Jun 2016, 11:31 - CEST	Abuja,Nigeria	9	negative
timmieasdallas	Brussels boss tells PM: NO more reform to Britain's EU membership after Brexit vote https://t.co/wqVBOn9Ycp	23 Jun 2016, 11:31 - CEST	Arizona, USA	0	neutral
NikoAgo	RT @kanekos69: Î'Ï•Ï•Î'Î¿ Î¸Î± Î¾ÎIÎ¿Ï…Î¼Îµ Î±Î½ Î·Î'ÏÎµÏ„Î±Î½Î^Î± Î¸Î± Ï€Î±Ï•Î±Î¼Î^Î½Î¼Î' ÏƒÏ„Î·Î½ Î•.Î• Î® Î¸Î± ÎµÏ€Î'ÏƒÏ„ÏÎ¿Ï…Î¼Ï…Î¿Î½ÎµÏ…Î·Î½ Î'Î±Î±Ï‡Î·Î· #Brexit	23 Jun 2016, 11:31 - CEST	Stockholm, Sweden	53	neutral
SynthInsania	RT @bonbuf60: @jongaunt Jon, a Germany car manufacture said after Brexit business as normal, and Turkey deal is ON,can we hold dave to Accâ€¦	23 Jun 2016, 11:31 - CEST		9	positive
NCPoliticsUK	RT @NCPoliticsEU: #EUref summary: Polls say REMAIN+2 Nowcast 5248 Forecast 5347 #Brexit % chance 25 (1) https://t.co/hUxOTPhRiB httpsâ€¦	23 Jun 2016, 11:31 - CEST	UK	17	negative
chauchat_maria	RT @doberah: Cute: @BILD says if Brits vote against Brexit, the Germans will recogniz(s)e the 1966 heartbreaker Wembley goal https://t.co/zâ€¦	23 Jun 2016, 11:31 - CEST	Italy	35	negative
wdjstraw	RT @SpiegelPeter: Nervous about #Brexit much? Sterling volatility hits new highs overnigjt. @FT liveblog: https://t.co/tvZtTDmlk7 https://tâ€¦	23 Jun 2016, 11:31 - CEST	United Kingdom	6	negative
monalemuria	RT @KimJongUnique: En cas de #Brexit, Hollande sera "inflexible" selon Macron. Comme avec LÃ©onarda, Martinez, les antifas... https://t.co/Gâ€¦	23 Jun 2016, 11:31 - CEST		96	neutral
ClaireMiddleto4	RT @DarthPutinKGB: It is not those who vote that matter. It is those who count. #Brexit	23 Jun 2016, 11:48 - CEST		93	negative
Altair_Ita	In sostanza il discorso Brexit Ã¨ cosÃ¬ riassumibile: https://t.co/BsRF1mBMCD	23 Jun 2016, 11:48 - CEST	Messina, Sicilia, Italia	0	positive
JimWats42183375	RT @LouiseMensch: Roses are red, violets are blue, If you love Europe But not the EU #VoteLeave #Brexit and #TakeControl https://t.co/LR90Kâ€¦	23 Jun 2016, 11:48 - CEST		230	positive
LaJovendlPerla	RT @jesusmarana: No hay dÃa mÃ¡s oportuno para echar un vistazo al dossier de @_infoLibre y @mediapart sobre el #Brexit https://t.co/g69TSA4â€¦	23 Jun 2016, 11:48 - CEST		7	negative

ellecome222	RT @Dwalingen: The Peoples of Europe are hoping for a #Brexit domino effect into #Nexit #Frexit etcetc. The #EU has failed us all https://tâ€¦	23 Jun 2016, 11:48 - CEST		20	negative
Lin_121	@BeverleyTruth @DDawn0 OMG THAT IS TRULY WONDERFUL NEWS I SENSE A LANDSLIDE #BREXIT	23 Jun 2016, 11:48 - CEST	England, United Kingdom	0	positive
zzazzye	RT @robertraineyni: Still undecided? #Brexit #EUref #VoteLeave This is correct way to complete ballot https://t.co/B9x6l3pqTn	23 Jun 2016, 11:48 - CEST		9	positive
inspaceitrust	All the best to Brits braving the weather to vote. #iVoted #brexit but as for whether that'll happen or not, I wouldn't want to bet on it.	23 Jun 2016, 11:48 - CEST	England, United Kingdom	0	positive
LaJovendlPerla	RT @DebatAlRojoVivo: FernÃ¡ndez DÃaz : "Lo que me preocupa hoy es el 'Brexit'" #EscuchasCatalunyaARV https://t.co/YwsIr0dYjl https://t.co/â€¦	23 Jun 2016, 11:48 - CEST		19	neutral
ausdjforums	Eâ€™s To Soar To Â£60 A Pill If Brexit Succeeds â†' https://t.co/IEOVXbIm5M https://t.co/ZOp8XaSifm	23 Jun 2016, 11:48 - CEST	Australia	0	positive
Ryanshedden	RT @Dezeen: "Vote Leave is a vote for a theme park instead of a country" â€“ Sam Jacob: https://t.co/VQwCV3aVo5 #Opinion https://t.co/1T9vhcaâ€¦	23 Jun 2016, 11:48 - CEST	Clapham, England	10	positive
PremierLeague8	#PremierLeague Picture Special: Every Premier League player who could be affected by Brexit revealed https://t.co/qEMKZbkZ3j	23 Jun 2016, 11:48 - CEST		0	neutral
economistniraj	RT @JMurray804: Bloomberg illustrates Brexit https://t.co/3ZDcLQnb3n @DanHanson41 @muhammadakd https://t.co/7ITCR6crVg	23 Jun 2016, 11:48 - CEST	London	5	negative
A_G_Dugin	Et si le Brexit donnait aux FranÃ§ais la volontÃ© de reconstruire lâ€™Europe ? https://t.co/yatANBpCuD	23 Jun 2016, 11:48 - CEST	Heartland	0	neutral
paolodriussi	Brexit, il giorno piÃ¹ lungo per l'Europa. "Leave" o "Remain", alle urne 46,5 milioni di britannici https://t.co/edmjF19Mss via @repubblicait	23 Jun 2016, 11:48 - CEST	Italy	0	neutral
solos4242	Brexit Movie https://t.co/olBBLXYYxd #EU pd fisherman 2destroy their boats while giving fishing rights to others https://t.co/wqYhskhT9s	23 Jun 2016, 11:48 - CEST		0	positive
anthony94520648	RT @LeaveEUOfficial: Shameful stuff from the Remains. @GiselaStuart has made a commitment to the UK and has ever right to back #Brexit. httâ€¦	23 Jun 2016, 11:48 - CEST	The Kingdom	2	positive
Mosharraf0129	AJEnglish : Beyond the #Brexit debate https://t.co/dsQsScbxjk by kenanmalik â€¦ https://t.co/e4SkxN3lVO) https://t.co/UuB3Ken1iY	23 Jun 2016, 11:48 - CEST	Dhaka, Bangladesh	0	negative
jpnoblejr	RT @WSJ: Even if Britain votes against 'Brexit', the market's relief would be shortlived, writes @Simon_Nixon. https://t.co/I3XsOgw6fD	23 Jun 2016, 11:48 - CEST	Somewhere in the world	7	neutral

NewsdeskWORLD	RT @nytimesworld: Brexit in 4 charts: a generational divide that's about more than age https://t.co/YtDQcE895H	23 Jun 2016, 11:48 - CEST		2	negative
Nigel450	RT @Independent: Leave supporters are very suspicious about the pencils at polling stations https://t.co/ygRdXrcx66 https://t.co/m4FcG3197J	23 Jun 2016, 12:05 - CEST	Midlands	74	positive
7E55E	RT @Stop_The_EU: On #Brexit the UK will become the EU's biggest export market. #VoteLeave https://t.co/wI7ORkoTuM	23 Jun 2016, 12:05 - CEST	Kyoto, Japan	85	positive
frspch	RT @Ironwand: Tony Benn would have voted #Brexit on #IndependenceDay! If the establishment wants it, do the opposite! #VoteLeave https://â€¦	23 Jun 2016, 12:05 - CEST		14	positive
Monalisazelf	RT @Knack: Hoe kan u gokken op een bremain of brexit? https://t.co/AdpW79t5gM https://t.co/HVGTdGyAHD	23 Jun 2016, 12:05 - CEST		2	negative
Risto_Matti	RT @FIMRahantaju: #BrexitÃ¤Ã¤nestys on alkanut. Katso, miten voi kÃ¤ydÃ¤, jos britit lÃ¤htevÃ¤t tai jos he jÃ¤Ã¤vÃ¤t. https://t.co/jGSymmOJtj httpsâ€¦	23 Jun 2016, 12:05 - CEST		2	negative
orzowaymilano	RT @Virginia_Reggi: E io che pensavo che il Brexit fosse il cocktail dell'estate in arrivo dalla Gran Bretagna #BrexitOrNot #Brexit	23 Jun 2016, 12:05 - CEST	Milano Italy - London U.K.	47	positive
Trendsiana	Jeffrey Simpson: Will a long, loveless marriage end with Brexit? https://t.co/CzDGTDtfty	23 Jun 2016, 12:05 - CEST	Worldwide	0	negative
mahonnew67	RT @JuliaHB1: Yet another good reason to Vote Leave. #Brexit https://t.co/ZppueosTB6	23 Jun 2016, 12:05 - CEST	brum	1330	positive
FxsignalOnline	Gold investors wrestle with Brexit vote in wild options dealings https://t.co/ngGQnAUmzd	23 Jun 2016, 12:05 - CEST	Online	0	neutral
swimmerboy2379	The Brexit Vote Is the Perfect Excuse to Revisit This Song by The Clash via TIME.câ€¦ https://t.co/DAi7mcI3yr https://t.co/aMkPOZqVXN	23 Jun 2016, 12:05 - CEST	current location	0	neutral
BoulyPorte	RT @rdinho3: #Macron : en cas de #Brexit, "la France sera inflexible" avec le RoyaumeUni #EnMarche vers plus de dictature #UE https://t.câ€¦	23 Jun 2016, 12:05 - CEST		5	negative
news89	Der BrexitEndspurt ist nichts fÃ¼r Zimperliche: Premier Cameron kÃ¤mpft um jede Stimme, Boris Johnson kÃ¼sst ei... https://t.co/SEqUmxtaLW	23 Jun 2016, 12:05 - CEST	on Twitter	0	neutral
Matt_Dark	But I want to see brexit .. It will be interesting to see how market react after that	23 Jun 2016, 12:05 - CEST	dalam hati Amani â•¤ï¸•â•¤ï¸•... awww	0	positive
VeoNoticias_	EN VIVO: Â¿El fin del sueÃ±o europeo? 'Brexit' o 'Bremain', los britÃ¡nicos deciden su futuro https://t.co/nMV5MgOTWc https://t.co/rPX1H3pghw	23 Jun 2016, 12:05 - CEST	El Mundo	0	negative

BobLeCentriste	.@GuyVerhofstadt Â«Si le #Brexit passe, c'est #Poutine qui va rireÂ» #Remain #ALDE #ADLE https://t.co/BGLlLxrpPC	23 Jun 2016, 12:05 - CEST	Europe	0	negative
StWagnerAriana	RT @Good_Ant_Man: Wie das schlechte Wetter in GB die #BrexitAbstimmung beeinflusst #BrexitOrNot https://t.co/4hE0bdTsqc	23 Jun 2016, 12:05 - CEST	Germany	1	negative
MarkRJolly	RT @BarrySheerman: If you don't want our national values to be set by the Daily Mail don't vote for the narrowminded illiberal intolerantâ€¦	23 Jun 2016, 12:05 - CEST	Cranfield UniversityNr Bedford	11	negative
TwitSicherheit	RT @de_sputnik: INTERVIEW â€žIrrationale Ã„ngsteâ€œ Wiener EuropaExperte: Briten werden fÃ¼r #Brexit stimmen https://t.co/XLI3xLSdPj #BrexitOrâ€¦	23 Jun 2016, 12:05 - CEST	Das Netz	17	negative
Bald_Iain86	Done #Brexit #VoteLeave https://t.co/1sUzLsUoaz	23 Jun 2016, 12:22 - CEST	Rhyl, Wales	0	positive
PietroBjorn	Di che parliamo quando parliamo di Brexit? Guida alla notizia del giorno | Left https://t.co/vyYhMGu8Yy	23 Jun 2016, 12:22 - CEST	Cosenza, IT	0	negative
Kantox__es	RT @expansioncom: Los britÃ¡nicos cambian sus libras por euros y dÃ³lares antes del referÃ©ndum del Brexit https://t.co/F5EYQSHWoP	23 Jun 2016, 12:22 - CEST	London, England	53	neutral
mad_ashleigh	RT @internetought: rt'ing this as a PSA because ben still thinks "brexit" is some sort of breakfast sandwich https://t.co/0AQShPZjPf	23 Jun 2016, 12:22 - CEST	Glasgow, Scotland	2	positive
Tocqueville53	RT @AlexandreLoubet: Dangers du #Brexit sont connus: tunnel Manche rebouchÃ©, pluie sauterelles, Ã¨re glaciaire, RoyaumeUni Ã la dÃ©rive dansâ€¦	23 Jun 2016, 12:22 - CEST		17	negative
crazycatz2013	RT @LeaveEUOfficial: PLEASE WATCH and #Retweet â€“ and remember to #VoteLeave for our independence! #EUref #Brexit https://t.co/iAhmH51v8r	23 Jun 2016, 12:22 - CEST		697	positive
vl_n72	RT @aofxru: Ð¢Ð¾Ñ€Ð³ÑƒÐµÐ¼ Ð½Ð° #Brexit! Ð"ÐµÐ»Ð°Ð¹ Ð´ÐµÐ½ÑŒÐ³Ð¸ Ñ• Ð½Ð°Ð¼Ð¸ Ð¿Ñ€Ð¾Ð¾ÐµÐ´Ð¸Ð¹Ñ•Ñ• Ñ•ÐµÐ³Ð¾Ð´Ð½Ñ• Ðº Ð±ÐµÑ€Ð¿Ð»Ð°Ð°Ñ‚Ð½Ð¾Ð¼Ð¼Ñƒ Ð·Ð°Ð½Ñ‚Ñ,Ð¸ÑŽ! https://t.co/yQrkjHhFym #aofx https://t.â€¦	23 Jun 2016, 12:22 - CEST	ÐœÐ¾Ñ•ÐºÐ²Ð°	269	positive
NKnow7	RT @Carina3603: #Brexit à¸¡à¸²à¸ˆà¸²à¸à¸à¸²à¸£à¸ªà¸™à¸™à¸´à¸„à¸‚à¸‡ Britain/British + Exit	23 Jun 2016, 12:22 - CEST	Naverland	14	negative
SportTalkBrian	RT @RT_com: URGENT: Final #Brexit poll puts â€˜Remainâ€™ at 52%, â€˜Leaveâ€™ at 48% â€“ Ipsos MORI for Evening Standard https://t.co/tf8W8lUdMJ	23 Jun 2016, 12:22 - CEST	Bel Aire, KS, USA	21	neutral
escklhen	RT @ShujaRabbani: All I'm going to tweet about is #Brexit. If you #iVoted, vote your choice in previous poll tweet. To #BrexitOrNot? #EUrefâ€¦	23 Jun 2016, 12:22 - CEST	North Carolina	51	positive
albericguigou	RT @Raphael_Rougier: Don't go brexit my heart! https://t.co/NWBZMjgegF	23 Jun 2016, 12:22 - CEST	Paris, London	1	negative

KellieRoseWick	RT @ArsTechnicaUK: #Brexit: Brussels tech folk fear possible UK vote to leave European Union https://t.co/lyI8W7AvNF by @BrusselsGeek https:â€¦	23 Jun 2016, 12:22 - CEST	Texas, USA	6	positive
gegan1987	RT @RT_com: URGENT: Final #Brexit poll puts â€˜Remainâ€™ at 52%, â€˜Leaveâ€™ at 48% â€“ Ipsos MORI for Evening Standard https://t.co/tf8W8lUdMJ	23 Jun 2016, 12:22 - CEST		21	neutral
Agenzia_Ansa	LE FOTO ANSA Brexit, la Gran Bretagna al voto https://t.co/PhJv3amwcW https://t.co/UWaohnZdVV	23 Jun 2016, 12:22 - CEST	Via della Dataria, 94 - Roma	0	neutral
golub	'Brexit' to be followed by Grexit. Departugal. Italeave. Fruckoff. Czechout. Oustria. Finish. Slovakout. Latervia. Byegium.	23 Jun 2016, 12:22 - CEST		0	positive
elgorbachev	RT @business: Today is the day when Britain decides on its 43year membership of the EU https://t.co/vMFzBNKXst #Brexit https://t.co/qvMOHXâ€¦	23 Jun 2016, 12:22 - CEST		9	neutral
KeiuCrayons	RT @caitlinmoran: Best Brexit piece yet, by @paulmasonnews: "Real working class rebellions tend not to be run by the Establishment": https:â€¦	23 Jun 2016, 12:22 - CEST	Estonia	462	neutral
alexfutbol76	RT @CunadoDeTuiter: Lo del Brexit es algo que deberÃamos votar todos los europeos. Vamos, digo yo.	23 Jun 2016, 12:22 - CEST	Cartagena City, ciudad sin ley	119	positive
frankjacobsnl	RT @AutoWeek: #Brexit? 7 redenen om tegen te zijn: https://t.co/YK7PeKxcYq	23 Jun 2016, 12:22 - CEST	Almere, Netherlands	1	negative
empresasve	MÃ‰XICO: DespuÃ©s del Brexit, Â¿quÃ© otros riesgos enfrentarÃ¡ el precio del petrÃ³leo? â€¦ https://t.co/znQtBweneP #5estrellas â˜…â˜…â˜…â˜…â˜…	23 Jun 2016, 12:22 - CEST	Caracas, Venezuela	0	negative
ritsa68	Dazebao News Sindaco di Londra: La Brexit sarÃ un "punto di svolta nella storia del nostro Paese" https://t.co/1AM3E0wlqi	23 Jun 2016, 12:39 - CEST		0	neutral
kings_lunefish	RT @nhk_news: ãŒã,¤ã,®ãƒªã,¹ã›½æ°‘æŠ•ç¥¨ã€‘ã,¤ã,®ãƒªã,¹ãª§è¡Œã,ã,Œã,‹é›¢ã®è³›ã¦ã,'å•ã•†å›½æ°‘æŠ•ç¥¨ãª¯ãª¾ã,,ãªãªæŠ•ç¥¨ãŒå§‹ãª¾ã,Šãª¾ã™ã€,æœ€æ–°ã•®ä¸–è«–è¡¿æŸ»ãª§ãª¯æ®‹ç•™ãƒ»é›¢ã‚Œæ–¹ã•®ä¸–è¹æ”¯ãŒæŒ‡ãŒæŒ‡ãª£æŠ—ã€ãªäº^æ–°ã,'è¨±ãª•ãªãª„æƒ…å‹¢ãª¨ãªãª£ãª¦ãª„ãª¾ã™ã€, https://t.pwn3BrPkXT https://t.câ€¦	23 Jun 2016, 12:39 - CEST	ç•'ãƒ‹å± …ãƒªãƒžã,¹	363	positive
Ulillillysses	" Mr. Brexit "	23 Jun 2016, 12:39 - CEST		0	neutral
b_escriva	ReferÃ©ndum del 'Brexit', en directo https://t.co/f7wswCEmjJ vÃa @elperiodico	23 Jun 2016, 12:39 - CEST	Paterna, Comunidad Valenciana	0	negative

nigelco75	Not that I needed any convincing to vote #Remain but John Oliver being awesome about Brexit is well worth a watch https://t.co/97f2zDSWQy	23 Jun 2016, 12:39 - CEST	Reading	0	negative
tintodog	RT @Farmers4Britain: Don't rely on someone else's vote to change the course of history make sure you go out and cast yours! #voteleave #bâ€¦	23 Jun 2016, 12:39 - CEST		48	positive
IreneFregonese	Ansia #brexit	23 Jun 2016, 12:39 - CEST	Trento, Trentino -Alto Adige	0	negative
maramagutlapig	RT @business: Today is the day when Britain decides on its 43year membership of the EU https://t.co/vMFzBNKXst #Brexit https://t.co/qvMOHXâ€¦	23 Jun 2016, 12:39 - CEST	where internet speed is a joke	51	neutral
peterjitter	RT @missingfaktor: Brexit. Grexit. Departugal. Italeave. Fruckoff. Czechout. Oustria. Finish. Slovakout. Latervia. Byegium.	23 Jun 2016, 12:39 - CEST	Bristol, England	5076	positive
CopiaWealthTax	George Soros wrong on Brexit and UK economy, says City economist https://t.co/tMyZc7u3bk	23 Jun 2016, 12:39 - CEST	West Midlands | Wolverhampton	0	negative
Addicted4truth	RT @Pilotos000: Î¤Î±Î½Î¿Î½Î'ÏƒÏ„Î¼ Î½Î± Î³Î'Î½Î¼Î' Î¤Î±Î½Î± Brexit Î¼Î±Î»Î±Î¤Î¤Î¼Î¼Î¿ Î¤ Î½Î± Ï‡Î±ÏƒÎ¼Î' ÏƒÏ„Î¼ Î±Î¾Î'Î± Î· Î²Î'Î»Î± Î¼Î¿Ï… Ïƒ Î›Î¿Î½Î´Î'Î'Î½Î¿ Î¤Î¿Î' Î±Î³Î³Î»Î'Î¤Î¤Î¼Î¼Î¿, Î¼Î¿Ï… Î»Î'Î¤Î¤Î¼Î¿, Ï€Î¿Ï… Ï„Î¿Ï… Î»Î±â€¦	23 Jun 2016, 12:39 - CEST	Î~ÎµÏƒÏƒÎ± Î»Î¿Î½Î´Î¿Î·, Î§Î¼Î½Ï„„Ï•Î'Î¤Î¤Î¼Î¼Î¿, Î¼Î¿Ï… Î¿Î¼Î¿Ï…Î¼Î¿ Î¿Î¼Î¿Ï…Î¼Î¿	1	negative
ter_rob	RT @colombi_silvano: Io mi auguro che vinca Brexit cosi' da poter mandare affanculo questa europa	23 Jun 2016, 12:39 - CEST		1	negative
mark24823687	RT @mundaufmachen: #iVoted : #BREXIT! TODAY Go to your local polling station and #VoteLeave! #TakeControl #ProjectHope #IndependenceDay httâ€¦	23 Jun 2016, 12:39 - CEST	UK Hull	211	positive
ItalianoAquila	RT @RaiNews: Corrono le borse, cala lo spread https://t.co/MneG4iLoWC	23 Jun 2016, 12:39 - CEST	Italy	4	neutral
_johnsmith_y2k	anyone undecided #leave #remain #brexit https://t.co/SyghpUz5Ws	23 Jun 2016, 12:39 - CEST		0	negative
tomstanifor d	@BenMurrells it's like you have no idea of how to use Google? https://t.co/1CvDrtWEGq	23 Jun 2016, 12:39 - CEST	Exeter & tom-stanifor d.co.uk	0	neutral
JuuMantelet	RT @OuestFrance: Brexit. Ouverture des bureaux de vote pour le rÃ©fÃ©rendum sur l'UE https://t.co/5xePHEwlnT https://t.co/qHgImrA2Pk	23 Jun 2016, 12:39 - CEST		6	negative
BrendaQ222	Does #DumbDonald now know what Brexit is?	23 Jun 2016, 12:39 - CEST	NYC	1	negative

CunadoDeTuiter	RT @PepeCavite: @CunadoDeTuiter seee...y si gana el Brexit y se piran que se lleven tambiÃ©n su idioma de nuestros colegios	23 Jun 2016, 12:39 - CEST	EspaÃ±a	1	positive
mariamarfer	URGENT: Final #Brexit poll puts â€˜Remainâ€™ at 52%, â€˜Leaveâ€™ at 48% â€“ Ipsos MORI for Evening Standard https://t.co/Yc7iqlHRCA via @RT_com	23 Jun 2016, 12:39 - CEST	Venezuela	0	neutral
FunGuerillaz	RT @jfarchy: Today's viewing... John Oliver on #Brexit for some much needed sense and humour https://t.co/dJayqm7KLP	23 Jun 2016, 12:56 - CEST	Location: Right Behind You !	7	positive
AshBarratt1984	RT @jenny_wren_01: Vote cast âœ #ivoted to LEAVE the European Union #euref #Brexit	23 Jun 2016, 12:56 - CEST		6	positive
tanerozarslan	Brexit coÅŸkusunun yaÅŸanmasÄ± Ã§ok uzun vadeli olmasa da zayÄ±flayan ABD bÃ¼yÃ¼me tahminleri geliÅŸen piyasalarÄ±n en Ã¶nemli kozu olacak.	23 Jun 2016, 12:56 - CEST	istanbul	0	positive
glenmorris56	RT @LouiseMensch: BBC News Suppressed British Drivers Attacked in Calais By Migrants Before #EUReferendum https://t.co/g02cPNdyKw #Brexit #â€¦	23 Jun 2016, 12:56 - CEST		198	negative
RobkNews	RT @patent: #patents in @NYTimes: "Democratic Party, â€˜Brexit,â€™ N.B.A. Draft: Your Thursday Briefing" by ADEEL HASSAN https://t.co/pRv1gINPaJ	23 Jun 2016, 12:56 - CEST	Windsor, Ontario	2	neutral
vlasinac	RT @LeaveEUOfficial: Today, we turn our backs on a failing political project and reenter the world! #EURef #Brexit https://t.co/L6kwJTW7A2	23 Jun 2016, 12:56 - CEST		207	positive
aeon456	RT @TelePolitics: Polling station ordered to take down â€˜Impartialâ€™ England Flags https://t.co/5JNHoTuBlG #EUref https://t.co/A53QcMXqiM	23 Jun 2016, 12:56 - CEST	UK	4	neutral
agrapeplace2b	The latest Heard It Through The Grapevine! https://t.co/DzijcX0JsG #wine #brexit	23 Jun 2016, 12:56 - CEST	Virginia	0	neutral
yleuutisvahti	@muusisilta Matias, voit tilata Uutisvahtisovelluksesta #brexitnotifikaatiot. Saat notskun aina heti kun uutta. https://t.co/F9plQTG3AC	23 Jun 2016, 12:56 - CEST		0	neutral
James_J_Marlow	Another reason to vote #Brexit https://t.co/lUO7wUqfK7	23 Jun 2016, 12:56 - CEST	London and Jerusalem	0	neutral
marciehatter	RT @SteveMaggs: A typical BREXIT voter? 'Only hate keeps me alive....' #voteremain #doctorwho #deadlyassassin https://t.co/bNBY0urQoH	23 Jun 2016, 12:56 - CEST		1	negative
AlexJohnson1990	RT @Nnamdi_ES_Okoye: #VoteLeave for my children and their families to prosper #Brexit https://t.co/fbnIW2sDle	23 Jun 2016, 12:56 - CEST	Worcester	112	positive
pedro_crd	SerÃa muy interesante tener la opiniÃ³n de Maradona sobre el Brexit.	23 Jun 2016, 12:56 - CEST	Patagonia Argentina	0	positive

DoGeFa	RT @cestrosiOff: Et des milliers de votes par correspondance se perdent https://t.co/NWY0t6DBhr #Brexit @Walter_VH_ @pierrejovanovic @Nigelâ€¦	23 Jun 2016, 12:56 - CEST		1	negative
Ga_ia1	E comunque, ultimo sondaggio: "Remain" in testa al 52%... #brexit	23 Jun 2016, 12:56 - CEST		0	negative
AlexiaTaub	Avant une visite en Ecosse, Donald Trump se dit favorable au Â« Brexit Â» Le Monde https://t.co/jS8JXPsQTe	23 Jun 2016, 12:56 - CEST		0	positive
thepaleblood	RT @Carina3603: à¸«à¸¥à¸²à¸¢à¸„à¸™à¸ à¸¥à¹^à¸²à¸§à¸§à¹^à¸² #EURef #Brexit à¸^à¸°à¹€à¸›à¹‡à¸™à¸•à¸²à¸£à¸¥à¸‡à¸›à¸£à¸°à¸Šà¸²à¸¡à¸• à¸´à¸„à¸£à¸±à¹‰à¸‡à¸³à¸„à¸±à¸à¸-à¸‡à¸³à¸«à¸£à¸²à¸Šà¸-à¸²à¸“à¸²à¸^à¸±à¸à¸£à¹ƒà¸™à¸Šà¸±à¹^à¸§à¸Šà¸µà¸§à¸´à¸•à¸™à¸µà¹‰à¸¥à¸¢à¸à¸à¹‡à¸§à¹^à¸²à¹„à¸"à¹‰à¹€à¸žà¸£à¸²à¸°à¸¡à¸±à¸™à¸^à¸°à¸à¸³à¸«à¸™à¸"à¸Šà¸°à¸•à¸²à¹•à¸¥à¸°â€¦	23 Jun 2016, 12:56 - CEST	Hunter's dream	48	positive
pnani456	RT @AJInsight: Too Cheap #Brexit has hammered #FTSE so hard 16 of 100 stocks yield >5%... not even 1 #DJIA stock > 4.5%. Buy #UK https://t.â€¦	23 Jun 2016, 12:56 - CEST		2	negative
jfp10	Do the Math: An Economist's Guide to Brexit Bloomberg for iPad https://t.co/yNnyDSfWQm	23 Jun 2016, 13:13 - CEST	ÃœT: -0.188389,-78.487649	0	positive
Agitpress	Droht heute Nacht der #Brexit ? https://t.co/YnKtA1CaBN https://t.co/0I7vuOvvUc	23 Jun 2016, 13:13 - CEST		0	neutral
ArielleABerger	Honestly, is it super weird that I can't sleep because of #brexit? Like it's 4am. I couldn't even focus on Kung fury and I love that shit.	23 Jun 2016, 13:13 - CEST		0	negative
HainesWattsLds	Today is a once in a generation referendum what will you be voting for? #EUReferendum #Brexit	23 Jun 2016, 13:13 - CEST	Leeds, England	0	positive
steph_arellano	RT @washingtonpost: What is Brexit? The complete guide to Britainâ€™s E.U. drama for confused nonEuropeans. https://t.co/UvSTeRLYKJ	23 Jun 2016, 13:13 - CEST	Santiago, Chile	17	negative
rielcano	Puedes leer los Ãºltimos anÃ¡lisis de @_ignaciomolina sobre #Brexit en nuestro especial: https://t.co/hZun5KJOAa https://t.co/Y4uAB3ylYp	23 Jun 2016, 13:13 - CEST	Madrid, Spain	0	positive
StourbridgeNews	Brexitbacking Dudley MEP targeting the undecided in final push for votes: BREXITbacking Dudley MEP Bill Eth... https://t.co/acfM7n9Fj3	23 Jun 2016, 13:13 - CEST		0	neutral
Actus_Culture	Le Brexit, un Â«suicideÂ» pour Emma Thompson et Alex Taylor https://t.co/HoqaRj5TBr #culture	23 Jun 2016, 13:13 - CEST	MontrÃ©al, QuÃ©bec	0	neutral

zainaconda	Brexit referendum today. if Boris Johnson's (UK's Donald Trump) #VoteLeave wins, Cameron will step down.... https://t.co/GZtMReujdT	23 Jun 2016, 13:13 - CEST	...far from the maddin g crowd~	0	positive
lamthetoecutter	RT @golub: 'Brexit' to be followed by Grexit. Departugal. Italeave. Fruckoff. Czechout. Oustria. Finish. Slovakout. Latervia. Byegium.	23 Jun 2016, 13:13 - CEST	DIRTY south FLA	170	positive
tassosbiliouris	RT @Kathimerini_Cy: #Brexit Ï^Î·Ï†Î¯Î¶ÎµÎ¹ Î·Ï€Î»ÎµÎ¹Î¿Î·Î¯Î±Î¯ Ï„Î¿Ï…Î¿ Ï‰Î¿Ï½ Î¿Ï‰Î¿Ï½ #referendum https://t.co/k6ryPkE7LQ https://t.co/D7bXG09pNY	23 Jun 2016, 13:13 - CEST	Athens	6	neutral
KazzJenkins	I wonder if #IDS was carrying out a cunning plan when he left the DWP? Hoping for more power if Brexit won?	23 Jun 2016, 13:13 - CEST		0	positive
WorldGardeners	RT @WorldGardeners: Together we can make Britain 'Great' again by #VoteLeave today defying all scaremongering #Brexit #LeaveEU #EUref	23 Jun 2016, 13:13 - CEST	United Kingdom	2	positive
TerzoDiritto	RT @La7tv: Claudio Borghi (Lega): "In una democrazia Ã¨ il popolo che deve poter scegliere, non i tecnocrati." #Brexit https://t.co/rYN5aLgâ€¦	23 Jun 2016, 13:13 - CEST	Roma	4	negative
korusconsult	The latest KORUSCONSULT tÃ¤glich! https://t.co/T8SFcvQMzE #cloud #brexit	23 Jun 2016, 13:13 - CEST	Otterfing	0	negative
edpenington	@dril when will your reveal your opinion on Brexit?	23 Jun 2016, 13:13 - CEST	London, England	0	neutral
Actus_Culture	Plus de 96% des artistes britanniques opposÃ©s au Brexit https://t.co/SF1b0nJsff #culture	23 Jun 2016, 13:13 - CEST	MontrÃ©al, QuÃ©bec	0	negative
Andym6769	RT @WSJ: France slows eurozone economic rebound amid â€˜Brexitâ€™ uncertainty https://t.co/ftm7FhBcnk	23 Jun 2016, 13:13 - CEST	Northern Ireland	15	negative
neilwalton26	RT @rwainwright67: Same view repeated time and again by European as well as UK security chiefs https://t.co/MkY7UfZODC	23 Jun 2016, 13:13 - CEST	Fleet, England	4	neutral
m0rpheouz	RT @NovaShpakova: Wishing you the very best #UK you're just yards away from the finish line, #Brexit! From your neighbors 'across the ponâ€¦	23 Jun 2016, 13:30 - CEST		3	neutral
nareshdixit82	The latest The Naresh dixit Daily! https://t.co/u5ZJqKDy0k Thanks to @DilipGhoshBJP @being2shubham @Vijendradt #brexit #brexitornot	23 Jun 2016, 13:30 - CEST	Bengaluru South, Karnataka	0	neutral
Al_roooh2	RT @CNBCArabia: Ø§Ù„Ù†Ù•Ø· Ù…Ø±Ø¹Ù•Ø¹ Ù…Ø¹Ù†Ø§Ø§Ù„ Ø§Ù„Ù…Ø³Ø«Ù…Ø±Ù†Ù†Ù†Ø¹Ø¹Ù†Ø§Ø¹Ù†Ø§Ø¹Ù†Ø§

Monic_Laara	Pese a lluvias, continÃºan elecciones sobre "brexit" en Reino Unido https://t.co/WEKSEgkGX5	23 Jun 2016, 13:30 - CEST	Jalapa, Tabasco	0	neutral
CynthiaStillBB	RT @tanker070: To my British friends: "Today it's now or never" It's time to liberate your country from the EUSSR! #Brexit #VoteLeave #EU	23 Jun 2016, 13:30 - CEST		4	positive
Bismarck_NL	RT @JBwebpm: If you are unsure of today then please think carefully for tomorrow #Brexit https://t.co/k7X8ERMefp	23 Jun 2016, 13:30 - CEST	The Netherlands	5	negative
Ibe_ch05	RT @chuksoleka: @NetworksManager While @David_Cameron allows UK citizens freedom to decide on #Brexit ;he supports Nigeria killings of #Biaâ€¦	23 Jun 2016, 13:30 - CEST		16	negative
bigchap57	RT @DavidJo52951945: RT Please take a pen to the polling station with you tomorrow & donâ€™t use a pencil #Brexit https://t.co/OYnrUyxu95	23 Jun 2016, 13:30 - CEST	ulster	631	neutral
Fitness4London	@CambridgeGreens Wetherspoons guy is not getting another penny of my money ever! #TimMartin #Wetherspoons #Brexit	23 Jun 2016, 13:30 - CEST	London, UK	0	negative
ToGovern	How will you vote on #Brexit? Find out how other voters say they will https://t.co/cgXiYASiMu https://t.co/nIRGPNomve	23 Jun 2016, 13:30 - CEST	The Boardroom, London â„¢	0	negative
unitaonline	#Brexit Urne aperte nel Regno Unito. E spunta un nuovo sondaggio https://t.co/zVnPzohyQo	23 Jun 2016, 13:30 - CEST		0	positive
satirist_indian	RT @tcmccarthy_: #Remain voters are pushing the #UK off a cliff. Vote #leave. #Brexit https://t.co/xuVzGKkmg4	23 Jun 2016, 13:30 - CEST	India	1	negative
silvia_giancola	Ottimo post di Licia Corbolante #Brexit, #Bremain e la #crasi dei media italiani https://t.co/e6KF8R2w24 @terminologia #terminologia #xl8	23 Jun 2016, 13:30 - CEST	Italy	0	negative
FinanzLinksAsia	â–¶ Sensex Closes Above 27000 Ahead Of Brexit Verdict; Nifty Up 66 Points: Indian shares rose sharply onâ€¦ https://t.co/xBTFzEtxCQ RTT	23 Jun 2016, 13:30 - CEST		0	neutral
BeThisBellBand	EU referendum: â€˜Leaveâ€™ & â€˜Remainâ€™ make final pitches day before Brexit polls open https://t.co/WADkyUeiCB	23 Jun 2016, 13:30 - CEST	Eureka, CA	0	neutral
Melody191064	RT @Welt_im_Chaos: Auch interessant: Der #Brexit ist laut #ZDF eine Entscheidung Ã¼ber die "Einwanderung".Von "Fluechtlingen" redet inzwischâ€¦	23 Jun 2016, 13:30 - CEST		14	neutral
Endyf	Our friends on the continent showing solidarity with the UK, let's not turn our backs on them! #VoteRemain https://t.co/vCpnPiZsp7	23 Jun 2016, 13:30 - CEST	UK - Bath & Portsmouth	0	negative
KevnRojjs	G7 podrÃa emitir comunicado si gana "Brexit" https://t.co/P3ry9PH7V0	23 Jun 2016, 13:30 - CEST	Tabasco	0	neutral
Juanro1212	RT @Bestinver: BeltrÃ¡n de la Lastra escribe sobre #Brexit en @elpais_economia https://t.co/BYH9dIUK0t	23 Jun 2016, 13:30 - CEST	Madrid, EspaÃ±a	4	NA

ron_payne11	RT @LeaveEUOfficial: PLEASE READ! 4 key arguments made by @StrongerIn were demolished last night. Know the facts before you vote! #EURef htâ€¦	23 Jun 2016, 13:47 - CEST		236	neutral
SocialKickme	The 'Brexit' referendum and 'Game of Thrones' aren't all that different https://t.co/zeGHiXC2yx	23 Jun 2016, 13:47 - CEST		0	negative
baldonedo6	RT @danielmateos: #Brexit o #Bremain...mucho en los mercados financieros en juego. Me acaban de decir que hay Hedge Funds costeando encueâ€¦	23 Jun 2016, 13:47 - CEST		2	negative
brenden_andeswr	RT @ShujaRabbani: All I'm going to tweet about is #Brexit. If you #iVoted, vote your choice in previous poll tweet. To #BrexitOrNot? #EUrefâ€¦	23 Jun 2016, 13:47 - CEST	Washington	658	positive
vabybabnsuu	RT @ShujaRabbani: #EUref is still trending. What's your #iVoted choice on #Brexit? To #BrexitOrNot? Vote on previous tweet. #EUreferendum #â€¦	23 Jun 2016, 13:47 - CEST	Nevada	217	negative
AndreTomer	RT @RaiPortaaPorta: Stasera alle 21:25 su @RaiUno Speciale #portaaporta #Brexit https://t.co/GPNLZTCFOe	23 Jun 2016, 13:47 - CEST		4	positive
ReImagineGas	RT @FraserNelson: UPDATE: Chances of #Brexit now down to 15% according to The Spectator's live odds tracker: https://t.co/IWshaJnO9I https:â€¦	23 Jun 2016, 13:47 - CEST	London â€¦and everywhere else	10	positive
szekelyf	RemÃ©lem, Ãgy is marad. https://t.co/pfjV63oCdS	23 Jun 2016, 13:47 - CEST	Budapest	0	positive
coldfusionMBE	Exactly what the brexit supporters want you to do. Trade everything for a nebulous future for your children. Idiots. https://t.co/TZcPCMwhlI	23 Jun 2016, 13:47 - CEST	London	0	negative
Twi_Terr	RT @V_of_Europe: Brexit spreads across Europe: Italy, France, Holland and Denmark ALL call for referendums https://t.co/AFwuc5icLp https://â€¦	23 Jun 2016, 13:47 - CEST	Noord-Brabant, Nederland	260	neutral
Eric_Clement	RT @francetvinfo: [QUIZ] Ces people anglais sontils pour ou contre le #Brexit ? Testez vous sur l'actu âž¡ https://t.co/HwFTDxUckS https:/â€¦	23 Jun 2016, 13:47 - CEST	MontrÃ©al	2	negative
john_geoffrey	Another good video with all the info about what a #Brexit would entail https://t.co/6b31Ag1z6O	23 Jun 2016, 13:47 - CEST	London, UK	0	positive
PeterWendtWhere	#Brexit, for the WIN! Vote LEAVE	23 Jun 2016, 13:47 - CEST	Coastal NC	0	positive
miss_s_b	RT @thalestral: Frustrated to find a Lib Dem leaflet through my door promising that Brexit would lead to Scottish independence in 2 years.â€¦	23 Jun 2016, 13:47 - CEST	Brighouse, West Yorkshire	1	negative
berimaamo1	So UK will rather be slaves to america than be a brother to their european brothers? #brexit	23 Jun 2016, 13:47 - CEST	the netherlands	0	negative
HarridgePike	RT @TelePolitics: Polling station ordered to take down â€˜Impartialâ€™ England Flags	23 Jun 2016, 13:47 - CEST	North Yorkshire	16	neutral

	https://t.co/5JNHoTuBlG #EUref https://t.co/A53QcMXqiM				
Paulxxxxx	@JTeesdale1 Hi James. "Its looking excellent". Do you know something I don't know? i.e., that is excellent news for Brexit?	23 Jun 2016, 13:47 - CEST	UK	0	positive
Hook_Echo9	I say go and good riddance #Brexit=>On eve of defining British EU referendum, rivals race for final votes https://t.co/4sA0tck0pk @Reuters	23 Jun 2016, 13:47 - CEST	North Alabama	0	neutral
ASimpsonEY	RT @golub: 'Brexit' to be followed by Grexit. Departugal. Italeave. Fruckoff. Czechout. Oustria. Finish. Slovakout. Latervia. Byegium.	23 Jun 2016, 13:47 - CEST	Winnipeg, Manitoba	373	positive
barbuho	Si se van de la UE a ver a donde van a mandar a sus hordas de borrachos!! #Brexit	23 Jun 2016, 13:47 - CEST		0	negative
SharanBurrow	RT @equaltimes: Is voting for #Brexit worth the risk of losing #jobs, #rights and #wages? https://t.co/gq0NfyLufr https://t.co/w512UNXNpr	23 Jun 2016, 14:04 - CEST		1	negative
MaryJurjo	RT @elconfidencial: Os recordamos que el Brexit podrÃa hacer que EspaÃ±a aporte mÃ¡s dinero del que recibe en la UE https://t.co/ranLXjYCBp #â€¦	23 Jun 2016, 14:04 - CEST	Valladolid, Castilla y LeÃ³n	11	positive
Tierdra	@intdemon Any new applicants to the EU do. I mean that if Scotland broke after brexit and negotiated to rejoin.	23 Jun 2016, 14:04 - CEST		0	negative
festivaldepiro2	RT @BrainandMoney: Forget BREXIT Just Trade with Trading levels ,NothingÂ else. https://t.co/0s1EbRUxzN https://t.co/payjP6emfY	23 Jun 2016, 14:04 - CEST		39	negative
Funkybanana75	RT @jackson_heather: Whatever your gender,ethnicity , social mobility,sexuality please remember to vote today ..whether #remain or #Brexitâ€¦	23 Jun 2016, 14:04 - CEST	yorkshire, uk	4	negative
LeeRoy5150	Just placed my vote #Brexit as long as you stand by your conviction there is no right or wrong answer #BritainDecides	23 Jun 2016, 14:04 - CEST	Luton Town	0	negative
anthonybiljana	RT @RT_com: #BREXIT outperforming #REMAIN but UK polls point towards Brussels. Live updates https://t.co/tf8W8lUdMJ @RTUKnews https://t.co/â€¦	23 Jun 2016, 14:04 - CEST		39	negative
Ciccio7_	RT @sole24ore: Brexit, ecco come si sono schierati i giornali inglesi https://t.co/HADAquGHO1 https://t.co/IFPjSGRY5S	23 Jun 2016, 14:04 - CEST	Ragusa Italy	14	neutral
Nacho_PoseC	RT @CunadoDeTuiter: Lo del Brexit es algo que deberÃamos votar todos los europeos. Vamos, digo yo.	23 Jun 2016, 14:04 - CEST		286	positive
FX_A_	RT @ashimizu1729: æŠ•ç¥¨æ™‚é–“ã‰7æ™‚ã‹ã‚‰ã‰ãŠ10æ™‚ç¾åœ°ã¨ã£ãŠã£ã¦ã„ã‚‰ã‚ã¨ã‚ã‚æœ¨æ—¥ã®è‹±å›½ã½ã›ãŠæ°‘ãŠ•ç¥¨ã§ã¯ã€ã“ã“ã€ã€ã€ã“ã®æ—¥ã€ã€ã€

	é€ï¸å†…å®¹ã«ã¤ã„ã¦ç·¯å£ä»¤ãŒæ•·ã‹ã‚ã¦ã„ã‚‹ãŒ“ã®ã“ã“ã§ã™ã€‚å¸ ´ã¯ã€ï¸™å¯¸ã®ä¸ã€â€¦				
PieroLatino	RT @suffragettecine: Together is better #nobrexit #Brexit #BrexitOrNot https://t.co/EAumVEWDje	23 Jun 2016, 14:04 - CEST		11	negative
UlaLaParis	RT @otr_press: El icono del dÃa @hberdichevsky https://t.co/lW9Ou3CokC https://t.co/zJjJmc3mr9	23 Jun 2016, 14:04 - CEST	Paris	2	neutral
naqiebhosseini	RT @JamesMelville: The Brexit campaign doesn't have any politician that would make it to the end of a Willy Wonka factory tour.	23 Jun 2016, 14:04 - CEST	Cardiff	3624	negative
KiwiKafir	RT @cuzzinharry: TheTimes today! #Brexit . https://t.co/hD5AceSzQ8	23 Jun 2016, 14:04 - CEST	New Zealand	21	positive
Daley4444	RT @LeaveEUOfficial: 'I'm mixed race, female, leftwing, a 19yearold student and yes, I really am voting for Brexit.' #EURef https://t.â€¦	23 Jun 2016, 14:04 - CEST	Goldthorpe	216	positive
omnivorist	Considering the weather in the South East, it looks like The Almighty might have decided to back #Brexit	23 Jun 2016, 14:04 - CEST	Gloucestershire UK	0	negative
SnowFreeThinker	RT @LouiseMensch: Roses are red, violets are blue, If you love Europe But not the EU #VoteLeave #Brexit and #TakeControl https://t.co/LR90Kâ€¦	23 Jun 2016, 14:04 - CEST		454	positive
animalister	RT @HubCrowdfunding: In or Out? It is ALL About the Brexit. Jeff Lynn of Seedrs Responds https://t.co/zNpDC6nLou #crowdfunding #startup	23 Jun 2016, 14:04 - CEST		1	negative
ivannamelnik	WSJ Ð¾ Brexit: ÑƒÐ´Ð°Ñ€Ð¸Ñ, Ð¿Ð¾ ÐïÐ¼ÐµÑ€Ð¸ÐºÐµ Ð¸ Ð¿Ð¾Ð¼Ð¾Ð¶Ð¶Ð¶ÐµÑ, Ð Ð¾Ñ•Ñ•Ð¸Ð¸ https://t.co/1iGqOFURXB	23 Jun 2016, 14:04 - CEST	Ð›ÑŒÐ² Ñ–Ð²	0	negative
andrzejmanka	Thunderstorms and flooding cause polling day travel disruption live https://t.co/1xw1OjH2j6	23 Jun 2016, 14:04 - CEST	London, England	0	negative
leooangeline	RT @DonChampionTV: Eager to see the results of the #Brexit vote today.	23 Jun 2016, 14:21 - CEST	naples fl	1	positive
SharonBowlesUK	RT @TheEconomist: #Brexit in brief: the 17 things you need to know before you vote today #EUref https://t.co/KKdYKSlpsq https://t.co/iHJqxsâ€¦	23 Jun 2016, 14:21 - CEST	UK	18	neutral
Avv_Natalina	RT @Internazionale: La prima volta della Brexit, il 5 giugno 1975. Le foto: https://t.co/0CdoOzATUX https://t.co/f8VQHmsP1x	23 Jun 2016, 14:21 - CEST	Crotone - Kr - Italia	15	positive
1stClown	FOR FUCK'S SAKE WHAT MORE DO YOU #BREXIT BASTARDS WANT? @IzzyTheRat1 @TheOlifant @PepA_2907 https://t.co/ijpppaFNC0	23 Jun 2016, 14:21 - CEST	England. Europe.	0	negative
craigorius	@sniffpetrol Although maybe the most Brexit car is a Tesla coming out of autopilot. "Take control".	23 Jun 2016, 14:21 - CEST		0	neutral

aaron_bwfc	RT @TheCraggus: Thanks to both sides of the #EUreferendum campaign, Britain is this guy. #Simpsons #Brexit #BetterIn https://t.co/JyXLZI5L6i	23 Jun 2016, 14:21 - CEST	Bolton	310	positive
__EEA	Freedom of movement enables students from all over the UK & EU to study abroad via the ERASMUS scheme Brexit would complicate this (1)	23 Jun 2016, 14:21 - CEST	london/ UoY	0	negative
FrozenLL	RT @DessinsSeldoon: C'est aujourd'hui le vote du #Brexit #BrexitOrNot https://t.co/hbklugHl3i https://t.co/ZSlIC2r9wI	23 Jun 2016, 14:21 - CEST		15	negative
Marcos77rueda	RT @norcoreano: 2016: El brexit vence, Reino Unido sale de Europa. Inmigrantes ilegales espaÃ±oles saltan la valla de Gibraltar para comprarâ€¦	23 Jun 2016, 14:21 - CEST	MÃ¡laga	76	negative
dfpamk	RT @ShujaRabbani: #EUref is still trending. What's your #iVoted choice on #Brexit? To #BrexitOrNot? Vote on previous tweet. #EUreferendum #â€¦	23 Jun 2016, 14:21 - CEST	Pennsylvania	494	negative
jacobinmag	Rightwing forces are leading both sides of the Brexit debate. https://t.co/qfLZMNINmQ	23 Jun 2016, 14:21 - CEST	New York City	1	neutral
ForexAnalytics1	#AUD 240 stepping up nicely not just #Brexit #TheseLinesWork Please RT https://t.co/aHF8jDxKZd	23 Jun 2016, 14:21 - CEST	United Kingdom	0	neutral
coachbryer	RT @steveruffley: After all the #brexit hype, it comes down to this https://t.co/atoytn9hIU	23 Jun 2016, 14:21 - CEST		1	negative
AndreeBaril	RÃ©fÃ©rendum Brexit: le RoyaumeUni retient son souffle https://t.co/fulnwD6Txd via @LeDevoir	23 Jun 2016, 14:21 - CEST		0	positive
SoyEdds	Por si quieres hacer apuestas en los mercados antes de que pase el #Brexit / No brexit https://t.co/4VBNcrRIhL	23 Jun 2016, 14:21 - CEST	EspaÃ±a Madrid	0	negative
DeCatherin	RT @jeanlassalle: Et si au fond le Brexit Ã©tait le dÃ©but d'une nouvelle Ã¨re pour l'UE ? Une prise de conscience #BrexitOrNot https://t.co/â€¦	23 Jun 2016, 14:21 - CEST	Bretagne , France	18	negative
retweetinglies	RT @2geckosjavea: How many people remember the 1973 #Brexit referendum? 67% for 'Remain'. #BrexitOrNot	23 Jun 2016, 14:21 - CEST		1	negative
f0ster	RT @MylesUdland: Brexit supporters are urging voters to take pens to polling stations over fears of an MI5 conspiracy https://t.co/UKL0H83Mâ€¦	23 Jun 2016, 14:21 - CEST	Los Angeles	1	negative
BWPublications	RT @JohnKremer: Social media companies really want you to know that it's 'Brexit' voting day: LONDON â€" On the day of the his... https://t.â€¦	23 Jun 2016, 14:21 - CEST		1	positive
buzby69	@chopone92 @JordieStedz I've been an done the decent thing #Brexit #bottombox	23 Jun 2016, 14:21 - CEST	St Matthews,Leicester,ENGLAND	0	neutral
MutedOptimist	RT @Barnsley: Brexit* *What an overweight Barnsley lass does when she sits	23 Jun 2016, 14:38 - CEST	Oxford	302	positive

	on a white plastic garden chair. #barnsleyisbrill				
nickvsx	Apparently people of my gen are inclined to #Brexit appeasement was wrong in 1930's & wrong today. Vote for against fear vote #Remain	23 Jun 2016, 14:38 - CEST	Tweetland	0	negative
Mgt0wer	RT @missingfaktor: Brexit. Grexit. Departugal. Italeave. Fruckoff. Czechout. Oustria. Finish. Slovakout. Latervia. Byegium.	23 Jun 2016, 14:38 - CEST	England, United Kingdom	5385	positive
doggywoggydooda	RT @GraTire: The People's Convention want #Irexit Referendum & supports #Brexit. We ran out of flyers on Saturday, big demand. https://t.coâ€¦	23 Jun 2016, 14:38 - CEST	Earth	14	negative
PH_RG	RT @OuchikhKarim: DDay. Ã€ quand le dÃ©barquement de la dÃ©mocratie rÃ©fÃ©rendaire sur les plages de France ? #Brexit	23 Jun 2016, 14:38 - CEST	Monaco	17	neutral
rosiewhitehouse	RT @b_judah: My @POLITICOEurope #ReferendumRoatrip rolls into Romford. Rage, Romanians and rampant conspiracy theories. https://t.co/ZMFf4Lâ€¦	23 Jun 2016, 14:38 - CEST	London, England	8	negative
phy_alysia	RT @HappyLionTweet: #Song for this important day: Should I stay or should I go now? #Brexit MT @PunKandStuff #TheClash https://t.co/Ln1qâ€¦	23 Jun 2016, 14:38 - CEST	Silicon Valley	37	negative
_MarketEdge	@Bedalehall if #Brexit vote = leave does that mean our colleagues from the continent can no longer drink @YorkshireGin?? @carolinemace0	23 Jun 2016, 14:38 - CEST	USA, UK, Brasil, Switzerland	0	positive
myramyre	Oya, skrng ya referendum brexit	23 Jun 2016, 14:38 - CEST	surabaya	0	NA
ster69	â€œFactChecking Brexit: The Conclusionâ€• by @hughhancock https://t.co/vNTZyEHHMp	23 Jun 2016, 14:38 - CEST	Obscure body in the S-K system	1	neutral
samuelabascal96	RT @norcoreano: 2016: El brexit vence, Reino Unido sale de Europa. Inmigrantes ilegales espaÃ±oles saltan la valla de Gibraltar para comprarâ€¦	23 Jun 2016, 14:38 - CEST	EspaÃ±a	191	negative
GeeMAn_0821	#Brexit . How will it end ? https://t.co/56S8dmBleq	23 Jun 2016, 14:38 - CEST	Everywhere	0	neutral
aiolozil	RT @albertopradilla: No entiendo por quÃ© los espaÃ±oles no estÃ¡n votando sobre el #Brexit si es algo que les afecta tambiÃ©n a todos.	23 Jun 2016, 14:38 - CEST	Zizur Nagusia (Navarra)	37	negative

kevinbantz	You're on your own $SPX FADE BREXIT and buy $VIX options https://t.co/iWNsAx3IqY	23 Jun 2016, 14:38 - CEST	Lake Havasu City, AZ	0	neutral
GlendaAhora	Buenos dÃas!#BritÃ¡nicos deciden su futuro y de la UniÃ³n Europea referendum #Brexit https://t.co/zlW0UdFkDW 28O0ioe https://t.co/NNdoG0uAOu	23 Jun 2016, 14:38 - CEST	Atlanta	1	positive
msaunders135	Britain is too great to vote for Brexit! Check out the important opinion piece by @Avaaz ED Ricken Patel: https://t.co/XJW305iFSi	23 Jun 2016, 14:38 - CEST		0	positive
PeopleEngineer	Sterling Rises to Record 2016 High During Brexit Vote https://t.co/GKyP8JkJAI @TIME https://t.co/SLASIRubg8	23 Jun 2016, 14:38 - CEST		0	positive
moore_patricia	RT @BluegillRises: Britain has given the world so much and must stand tall #VoteLeave #Brexit #EUref #IndependenceDay @Nigel_Farage httâ€¦	23 Jun 2016, 14:55 - CEST		13	positive
IMAPictures	RT @IntYogaDay: The Sign Of #Brexit How May Effect UK's BankingSystem, See From This Lined Up In A Que Today Itself ;) @BharatSolar_ https:â€¦	23 Jun 2016, 14:55 - CEST	Delhi Mumbai Kolkata Chennai	3	neutral
fnalcountd0wn	RT @BlitzQuotidiano: Brexit, gli antiEuropa dicono voto truccato dai servizi segreti https://t.co/tNcLx2kvRi	23 Jun 2016, 14:55 - CEST	Piddinia	2	negative
RedDave14	RT @brian_bilston: Here is an EU Referendum ballot paper which I have converted into a poem. https://t.co/QWTdQGjbEl #Brexit #bremain	23 Jun 2016, 14:55 - CEST	iPhone: 51.913742,-8.460602	0	negative
Repeal_theAct	RT @exsacerdotal: Dear #Remain with love from freedom loving people everywhere #Brexit #VoteLeave https://t.co/t4qoBY7pm3	23 Jun 2016, 14:55 - CEST		25	positive
harshkenz	RT @iamsrk: I c this trend in News where leaving of someone or something is headlined as Rexit or Brexit.So if I leave from sumwhere am Iâ€¦	23 Jun 2016, 14:55 - CEST		3661	positive
ShreyaSonuHolic	RT @iamsrk: I c this trend in News where leaving of someone or something is headlined as Rexit or Brexit.So if I leave from sumwhere am Iâ€¦	23 Jun 2016, 14:55 - CEST	Karachi, Pakistan	3661	positive
Ashok2038	RT @khjelmgaard: I'm holding out for the #BunniesAgainstBrexit https://t.co/eqKT5DjMKw #EUref	23 Jun 2016, 14:55 - CEST	Nepal	4	negative
rpvega	Very interesting #socialmedia sentiment analysis of #Brexit #EUreferendum #EUref https://t.co/ZvCZpiHRlL	23 Jun 2016, 14:55 - CEST	Dubai, UAE	0	positive
Z24nl	LIVE: Brits EUreferendum, wel of geen Brexit: James Bond is proEU, Basil Fawlty gaat ... https://t.co/Gu0xxwPn3y https://t.co/hvyFQpyJn2	23 Jun 2016, 14:55 - CEST	Amsterdam, Netherlands	0	NA
DGTrading101	Equities pretty quite here ahead of #Brexit ...good riddance, 2am can't come soon enough	23 Jun 2016, 14:55 - CEST	New Jersey	0	negative

CARLOPGUZMAN1	RT @AnonPress: If the UK media was more concerned with telling people the facts rather than what to do people might be a little less unsureâ€¦	23 Jun 2016, 14:55 - CEST	Xalapa	30	negative
sputnik_jp	#BREXIT ã‚Œã€Œ#ã,²ãƒ¼ãƒ ãƒ»ã,ªãƒ–ãƒ»ã,¹ãƒ-ãƒ¼ãƒªã,ºã€‚ã‚«ã«æ‰“æ'ƒã,'ä¸Žã‚ˆã,‹ https://t.co/b7UF2L4nyi https://t.co/6HiJu7ymsh	23 Jun 2016, 14:55 - CEST		0	positive
hitech_guru	Brexit Would Leave Germany Stranded Against Freeloading South https://t.co/cyj0Y1FD5R	23 Jun 2016, 14:55 - CEST	Toronto, Canada	0	positive
JakeNicholls45	RT @LouiseMensch: TNS poll likely voters #VoteLeave 49, #VoteRemain 42 #Brexit #ProjectHope https://t.co/ut0lz4xjtP	23 Jun 2016, 14:55 - CEST	Ipswich, UK	232	neutral
David52Stone	Yep old Ben got that right Hope Britain gets it right today #Brexit #MAGA https://t.co/LAnStX8GHX	23 Jun 2016, 14:55 - CEST	Georgia, USA	0	positive
mamitamumu	RT @todonoticias: Brexit: Ir a votar con su perro y sacarle una foto, una extraÃ±a tradiciÃ³n britÃ¡nica https://t.co/910VpBeLCB https://t.co/â€¦	23 Jun 2016, 14:55 - CEST	CABA Argentina	12	positive
choisser	RT @PatVPeters: Brexit : Decision Day https://t.co/V0OQEN76FC	23 Jun 2016, 14:55 - CEST		1	neutral
MyrvangVeronika	RT @RT_com: 'Hysteria and halftruth': Refugees will not disappear whatever the #Brexit vote outcome â€“ charity https://t.co/w0Ed7EEgTG	23 Jun 2016, 14:55 - CEST	Earthling	5	negative
bookishsponie	RT @Avaaz: Let's make sure we're on the right side of history. Choose Love â•¤ #VoteRemain. #EURef #Brexit #StrongerIN https://t.co/hD6bWADGWA	23 Jun 2016, 14:55 - CEST	UK	234	negative
JoeGandelman	Brexit: good riddance or a new Europe? https://t.co/F0bma0lfQs	23 Jun 2016, 15:12 - CEST	San Diego, CA	0	negative
frenchfrill	RT @nigelshortchess: The most vicious, divisive, mendacious campaign will end today. Whatever the outcome, many people in the UK will be anâ€¦	23 Jun 2016, 15:12 - CEST		12	positive
Magu_mendez	RT @El_Universal_Mx: #QueNoSeTePase Encuentra aquÃ todo lo que debes saber sobre el #Brexit https://t.co/NDdE19pDEn	23 Jun 2016, 15:12 - CEST		5	negative
Col_Irrelevant	RT @WooTube: I had reasons to vote for #Brexit but they were massively overwhelmed by a strong need to crush racism & economic ideas of theâ€¦	23 Jun 2016, 15:12 - CEST	Europe	1	negative
Laia_5SOS	RT @assemblea: No referendumNo democracy #Brexit https://t.co/6Rsn9rrsof	23 Jun 2016, 15:12 - CEST		41	NA
canberra_soul	Brexit Poll Shows 80% Of Americans Think Britain Should Leave EU https://t.co/Yq75nKTGa9	23 Jun 2016, 15:12 - CEST		0	positive
cbchh	RT @Billdit: @CBCMorningShow @cbchh #Brexit "With Or Without You" https://t.co/c9r83HZ7le	23 Jun 2016, 15:12 - CEST		1	neutral
Mephist0paulus	RT @ElizabethHurley: Vote tomorrowwhatever your persuasion. I'm for #Brexit & promise to neither gloat nor whinge. But VOTE! https:â€¦	23 Jun 2016, 15:12 - CEST	Cleveland, OH	3424	negative
AurelieMelanie	RT @Daniel_Portman: https://t.co/hE3KJF1NFn Being put on the same list as James Bond and Hermione Granger made me feel quite cool. #Remainâ€¦	23 Jun 2016, 15:12 - CEST	RÃ©gion Parisienne	9	negative

clocktowerca	"World Leaders on 'Brexit' Vote" by THE NEW YORK TIMES via NYT https://t.co/Jn7BKIfbOe	23 Jun 2016, 15:12 - CEST		0	positive
BackofficeGP	RT @burgercomiteeu: Come on dear friends in the UK. Lead by example. Leave the EU! We are hoping for a #Brexit! Then a #Nexit.	23 Jun 2016, 15:12 - CEST	Nederland	16	positive
TeessideWoes	@jeremycorbyn twofaced hypocrite. How much is @GoldmanSachs paying you? #VoteLeave #Brexit	23 Jun 2016, 15:12 - CEST	#Teesside	0	positive
laublauDK	RT @yo_ELOQ: Please Britain vote to stay w us so we can hang and chill and have good old fun Europa times #Brexit #Bremain https://t.co/â€¦	23 Jun 2016, 15:12 - CEST	copenhagen v	1	negative
noralekzandr	RT @abc_es: Los Ãºltimos sondeos dan la victoria a la permanencia de Reino Unido en la UniÃ³n Europea https://t.co/OVpomIqCst #Brexit	23 Jun 2016, 15:12 - CEST		42	neutral
rynitw	"World Leaders on 'Brexit' Vote" by THE NEW YORK TIMES via NYT The New York Times https://t.co/NQ8PalSwDn	23 Jun 2016, 15:12 - CEST	Santiago de Chile	0	neutral
fabienchamblanc	#Brexit Harlem DÃ©sir (Affaires europÃ©ennes) sort de son silence: "Hollande verra Merkel avant le Conseil europÃ©en de mardi" #ministrefantome	23 Jun 2016, 15:12 - CEST	Paris	0	neutral
twhite4theclub	RT @brexshit: I'm voting #Brexit tomorrow because the EU want to replace our British Jesus with Zeus, sell us cheese with holes in & they sâ€¦	23 Jun 2016, 15:12 - CEST		2	negative
tyrelle123	RT @AMTrump4PRES: This is your future, believe it or notIslam NEVER invades to be equal but 2 DOMINATE! #Brexit #VoteLeave #BanIslam httpsâ€¦	23 Jun 2016, 15:12 - CEST	Audtralia	21	positive
Flemington455	RT @SputnikInt: If Britain goes: Three possible scenarios of #Brexit https://t.co/HrVGs9xLrx #BrexitOrNot https://t.co/ESLVEWShtD	23 Jun 2016, 15:12 - CEST	Sydney, New South Wales	13	negative
ciuffetellimass	Brexit: un dÃa de perros para votar https://t.co/OXnbvwHwlV	23 Jun 2016, 15:12 - CEST	CARACAS VZLA	0	neutral
kabarberita	BEI katakan Brexit tidak berdampak langsung bagi Indonesia https://t.co/VJ0H3rYgsJ	23 Jun 2016, 15:29 - CEST	South-East Asia	0	negative
Ilrestodelcafe	Brexit? E quando mai ci sono entrati inÂ Europa? https://t.co/Fu5uPYCFWw https://t.co/i8oTTTAC0h	23 Jun 2016, 15:29 - CEST	Milano, Italia, Mondo, Ovunque	0	negative
smartaura	@CNBCi Verdict is #Brexit	23 Jun 2016, 15:29 - CEST	Worldwide	0	NA
Barbara531	RT @AMTrump4PRES: As muslim population overwhelms all of EuropeUK has a chance 2 take control. Will they have the courage? #Brexit https:/â€¦	23 Jun 2016, 15:29 - CEST	Virginia	55	positive
latikia	UK voters head to polls for Brexit referendum by via Stars and Stripes https://t.co/5PhylBEDDn	23 Jun 2016, 15:29 - CEST	22 km SSW of nowhere special	0	neutral
CNBCTV18Live	Brexit Voting Underway: DAX 10194.68 +1.23%: FTSE MIB 17772.83 +2.60%	23 Jun 2016, 15:29 - CEST	India	0	neutral

mainda	Sleepless night ahead! Referendum results guide: when to nap and the places to watch https://t.co/X1xEBjWYAp #brexit #referendum #alerts	23 Jun 2016, 15:29 - CEST	ĂœT: 52.191882,0.124641	0	neutral
knicks148	RT @barryap1: For Brexit Day, letâ€™s play my favorite game: Zoom in on a random patch of the UK and laugh at the place names. https://t.co/Oâ€¦	23 Jun 2016, 15:29 - CEST	New York	333	positive
TexanForTrump	Watching from across the pond! Vote out! Say NO to NWO! Let Turkey have your spot! #Brexit #VoteLeave #VoteOut	23 Jun 2016, 15:29 - CEST	God Bless America	0	positive
angelavaldowine	RT @Emol: #EmolTV | Las claves para entender las consecuencias del Brexit https://t.co/g2qZ6mLxsr https://t.co/hnn7On8iyo	23 Jun 2016, 15:29 - CEST	Chile	3	positive
dismantleeu	RT @FeistyDeanne: Another two votes for #Brexit that felt good. #iVoted #VoteLeave #TakeBackControl https://t.co/v8D1gRGmWX	23 Jun 2016, 15:29 - CEST		12	positive
ninobizzintino	RT @repubblicait: Brexit, i Cinque Stelle scaricano Farage: "L'Europa si cambia solo restando nell'Ue" https://t.co/oQl7GhahH5	23 Jun 2016, 15:29 - CEST	Reggio Calabria	13	neutral
EliasPalai	Îš±Î' ÏØÏƒ„ÎµÏØÎ± ÏƒÎ¿Ï… Î»ÎµÎ½Îµ Î¿Ï„ï‰ï, Ï€Î¿Î»Î'Ï„„Î'ÏƒÎ¼ÎÎ½Î¿Î' Î¬Î½Î¸ÏØï‰ï€Î¿Î' Ï„„Î¿Ï… 21 Î±Î'Ï‰Î½Î± Ï„„Î± Î'ÎÎ±Î¶Î•Î³Î'Î± Î²Î³Î±Î¯Î½Î¿Ï…Î½ "Î²ÎµÎ»Î¿Ï•Î´ÎÎ½Î±"..#brexit	23 Jun 2016, 15:29 - CEST	Î›ÎµÏ…‰ï…Î¤Î±	0	neutral
404err0r1	RT @maxkeiser: Good morning. Chance of a #Brexit is 0%. The idea that Brits step off this gravy train is absurd. Go back to sleep.	23 Jun 2016, 15:29 - CEST	New York, NY	63	negative
TanjoHQ	@johnkass48 @Halsrethink Prediction markets have stay at 80%. It's not close at all #brexit	23 Jun 2016, 15:29 - CEST		0	negative
GMehrasa	RT @AdriaanBeenen: De zwakste schakel in de #democratie is de onwetende burger. Geen #Brexit.	23 Jun 2016, 15:29 - CEST	Nederland	1	negative
AllAleLucy	How Europe will break on Brexit according to @POLITICOEurope https://t.co/Hiry0pTYRS via	23 Jun 2016, 15:29 - CEST	Brussels, Belgium	0	negative
FreedomWriter69	RT @Schuldensuehner: Final Ipsos Mori #Brexit phone poll just published shows Remain at 52%, Leave at 48% vs Poll from Jun16 had Remainâ€¦	23 Jun 2016, 15:29 - CEST		45	neutral
heysarahgray	"Brexit is propelled by the same vague antiimmigrant, nationalist sentiment that motivates ... Trump voters." https://t.co/wk5sfUBHk0	23 Jun 2016, 15:29 - CEST	Austin, TX	0	negative
Vasarahammer	RT @DavidJo52951945: Stuff it up your Juncker https://t.co/Rh7EBBLEch	23 Jun 2016, 15:29 - CEST		92	positive
SWStrongerIn	RT @BBCCornwall: ? Cornwall has benefitted hugely from EU fundswill a postBrexit government maintain same levels of support? #EURefSW	23 Jun 2016, 15:47 - CEST		3	positive
phoenix_kom	Im #phoenix Studio spricht Sonja Fuhrmann mit Holger GeiÃŸler @YouGov_DE & Tanja BÃ¶rzel @FU_Berlin 16h #Brexit https://t.co/jgqqmMnYX4	23 Jun 2016, 15:47 - CEST	Bonn	0	neutral
forexDailyTA	FTSE: Global Stocks Jump as Brexit Odds Tank https://t.co/Wv2Sm7SuCb	23 Jun 2016, 15:47 - CEST		0	neutral

Cristina_Cusco	Goita! El primer que m'han plantufat avui nomÃ©s arribar a la City (previa pregunta, of course)#Brexit https://t.co/rNWzzXij5k	23 Jun 2016, 15:47 - CEST	SarriÃ - Barcelona - Catalunya	0	positive
aspland86	RT @Wotamoron: Us at moron think all mp's are all a waste of time but here is our fav #Brexit https://t.co/rydH1v8YN2	23 Jun 2016, 15:47 - CEST	England	83	negative
ha43zu	RT @nhk_news: ã€ãƒ©ã,¤ãƒ–ãƒ–ãƒã,° ã,¤ã,®ãƒªã,¹å›½æ°‘æŠ•ç¥¨ã€‘ â€œé›¢è„±ã®é€£éŽ– â€ã®¯ èµ·ãã,‹ã®ã‹ã‹å›½ã®åŠ ç›Ÿå›½ã•®ä¸- ã§ã¯ã¯ã€ã€ã,¤ã,®ãƒªã,¹ä»¥å¤– ã«ã„,ãã®å‹•ãã‹ãŒãƒãŒãƒ£ã¦ã¦ã„ã™ã™ã™ã™ã€, https://t.co/IPb62D4Vub #nhk_news https://t.co/KLyKnT5vhi	23 Jun 2016, 15:47 - CEST	æ•±äº¬	138	negative
Trev_Forrester	The question is In or Out #LeaveEU #Brexit #StayIn	23 Jun 2016, 15:47 - CEST	England	0	positive
meifan0shizhong	åŒå±…äºã„,æŠ•ç¥¨è¡Œã£ã†ã§ã§Ÿã,^ã†ã§§Brexitã•¯ã ©ã†ã§ªã,‹äº‹ã„,ã,‰ã€,	23 Jun 2016, 15:47 - CEST	ä¸- å¤®è•– é¦¬ä¸•å ¸é™¢/çº ¯è‰ºæ œ¯â†'ç• å®•è®¾ è®¡	0	negative
vmorillo	"Quiz: The â€˜Brexitâ€™ Vote Is Here. How Much Do You Know?" by STEVEN ERLANGER and HANNAH OLIVENNES via NYT https://t.co/7UCIEqGJzQ	23 Jun 2016, 15:47 - CEST	En algun lugar dla Mancha creo	0	positive
asif	Oh shit. #Brexit #BrexitOrNot #VoteRemain https://t.co/Zg3z6FmR59	23 Jun 2016, 15:47 - CEST	LON/DXB/DAR/NBO	0	negative
AU_bebe	#UK #Brexit VILE Billionaire Open Borders Funder Soros Tells Britain To Stay In EUâ€" Or Else For SOROS #VoteLeave https://t.co/GNWPqHLcHT	23 Jun 2016, 15:47 - CEST	Proud Auburn Tiger. War Eagle!	0	positive
dbenie	RT @MarketWatch: Stocks in rally mode as Brexit vote gets under way https://t.co/UyUgxRNBgu	23 Jun 2016, 15:47 - CEST	NY	11	positive
BrendaPachecoP	RT @eleconomista: Con o sin #Brexit, la UniÃ³n Europea no serÃ¡ la misma... Te decimos por quÃ©: https://t.co/YAaaBaSdmU https://t.co/7pCfC4U3â€¦	23 Jun 2016, 15:47 - CEST	Mexico city	4	negative
AnnaSophia_TOPS	RT @Italians4Trump: God Seems to Be Voting for Brexit Breitbart GOD WE NEED YOU AT THIS MOMENT! #VoteLeave #Leave #Brexit #EURef https:/â€¦	23 Jun 2016, 15:47 - CEST	Toronto	11	positive
Choodleumma	@JohnClarke1960 @YourMrBumbles Born in London in '32 I soon learnt who could be trusted & who could not. Brexit leaders r not to be trusted.	23 Jun 2016, 15:47 - CEST	Cornwall	0	positive

m0nstermashh	RT @MarshallElla: brexit voters are the type of people who go on holiday to Spain and request a full English breakfast everyday.	23 Jun 2016, 15:47 - CEST	Munchkin land	14	positive
ekanderson	RT @FPA_ORG: The #Brexit vote is today. Here are the arguments for and against remaining in the European Union in one chart. https://t.co/zâ€¦	23 Jun 2016, 15:47 - CEST	Atlanta, GA	1	negative
happyburkean	RT @iowahawkblog: "I want you to fire me." @DanHannanMEP gives a superb #Brexit Leave pitch at Oxford https://t.co/HtEUuB4dC0	23 Jun 2016, 15:47 - CEST	Toronto, Ontario	5	positive
iMillasTalk	RT @ronaldlaessig: In #GroÃŸbritannien hat die #BrexitAbstimmung begonnen. 46,5 Mio BÃ¼rger haben sich registrieren lassen und kÃ¶nnen bis 22â€¦	23 Jun 2016, 15:47 - CEST		12	neutral
scottsiepker	Do you find the term #Brexit annoying. (I vote yes!)	23 Jun 2016, 15:47 - CEST	Des Moines, Iowa	0	negative
NerdElert	if we get the expected Brexit Stay vote today...which we will know about 3am tomorrow EST ... smallcaps will explode tomorrow imo	23 Jun 2016, 16:04 - CEST		0	negative
Shockster67	#iVoted #Brexit #Leave	23 Jun 2016, 16:04 - CEST	Yorkshire	0	positive
He_Has_Failed	#brexit https://t.co/fi1sZqi1PV	23 Jun 2016, 16:04 - CEST		0	negative
hon1nbo	RT @golub: 'Brexit' to be followed by Grexit. Departugal. Italeave. Fruckoff. Czechout. Oustria. Finish. Slovakout. Latervia. Byegium.	23 Jun 2016, 16:04 - CEST	127.0.0.1	1776	positive
rclaessen	â€œNo conspiracyâ€•: BREXIT trademark registrant on using IP to defend political discussion World Trademark Review (sâ€¦ https://t.co/ZXBIefJW8I	23 Jun 2016, 16:04 - CEST	Cologne, Germany	0	neutral
HBEisen	Traders eye big opportunities after Brexit vote #HedgeFunds #Brexit #UK #EU @mdc https://t.co/MTqjmVrsxv	23 Jun 2016, 16:04 - CEST	New York, NY	0	neutral
Ccolmar	#Internacionales Inmigrante china a favor del Brexit porque su "empleado espaÃ±ol siempre estÃ¡ dormido" https://t.co/7OphsSDL7j	23 Jun 2016, 16:04 - CEST	En la vÃ-a	0	neutral
EaZyForm	Stephanie Flanders beim Handelsblatt: â€žEin Brexit wÃ¼rde die MÃ¤rkte lÃ¤nger verunsichernâ€¦ https://t.co/wHjrrvrDBn	23 Jun 2016, 16:04 - CEST	Augsburg Germany	0	negative
roxylovesluc y	@ElianaBenador @dawngpsalm63 . Please #Brexit!!! It's their last hope.	23 Jun 2016, 16:04 - CEST	Indiana	0	neutral
CyberActualite	https://t.co/pNoo9coPeh LibÃ©ration.fr: Un Brexit coÃ»terait 1% du PIB aux Russes https://t.co/7rQcSEbyd6	23 Jun 2016, 16:04 - CEST		0	negative
hansbos	RT @DavMicRot: #Brexit down to 18%, lowest likelihood of leaving since @PredictWise tracking started 1/1/16. Also, Pounds just hit yearly hâ€¦	23 Jun 2016, 16:04 - CEST	52.22978641,5.4580345	9	negative

Seren_Dipity37	#Noticias Inmigrante china a favor del Brexit porque su "empleado espaÃ±ol siempre estÃ¡ dormido" https://t.co/oJPuauc9FG	23 Jun 2016, 16:04 - CEST	Caracas. - #DeTodoUnPoco	0	neutral
johnny_mac	thinking about my friends who voted in todayâ€™s #brexit vote	23 Jun 2016, 16:04 - CEST	San Francisco, CA	0	positive
jeremynwalker	RT @JetSetterRyan: 80% of Americans think the U.K. should leave the EU. They're right. #Brexit #ChooseWisely https://t.co/zpHfB0qXFm	23 Jun 2016, 16:04 - CEST		51	positive
bolsamania	RT @LunaJoseM: 10 fondos de inversiÃ³n para ganar dinero con el referÃ©ndum en Reino Unido, haya o no Brexit https://t.co/Mj5htxKJEi vÃa @Bolâ€¦	23 Jun 2016, 16:04 - CEST	Madrid	2	neutral
JF_Luc	RT @G_Dussausaye: Ma rÃ©ponse Ã @VOANews: â€œIt will give the British freedom, and it will show we can renegotiate EU treaties". #Brexit httpâ€¦	23 Jun 2016, 16:04 - CEST	Marseille	2	negative
giod_arco	RT @CafeGeopolitico: #Brexit: per l'#Italia Ã¨ meglio il #RegnoUnito rimanga o esca dall'#UE? Diteci la vostra	23 Jun 2016, 16:04 - CEST		5	positive
lambo_unchained	I'm weirdly excited about the #Brexit vote today?	23 Jun 2016, 16:04 - CEST		0	positive
EganRichardson	Brits in Germany left 'fuming' by Brexit polling card fiasco https://t.co/YbOGDnA7ev via @TheLocalGermany	23 Jun 2016, 16:04 - CEST	Helsinki, Finland	0	negative
Horonzoud	RT @volkskrant: Erdogan overweegt Ã³Ã³k een referendum over de EU te houden #liveblog #brexit https://t.co/WKup37LIvD https://t.co/ySF7wHxmhg	23 Jun 2016, 16:21 - CEST		4	negative
internettubes	RT @golub: 'Brexit' to be followed by Grexit. Departugal. Italeave. Fruckoff. Czechout. Oustria. Finish. Slovakout. Latervia. Byegium.	23 Jun 2016, 16:21 - CEST	Cardiff	1911	positive
machine01_jag	RT @Snowden: No matter the outcome, #Brexit polls demonstrate how quickly half of any population can be convinced to vote against itself. Qâ€¦	23 Jun 2016, 16:21 - CEST		665	neutral
mwengway	@ReDefineEurope @EUWatchers @ShareThis Bullshit ! #Brexit	23 Jun 2016, 16:21 - CEST		0	NA
gcprimecambio	Devemos ficar atentos para a pequena, mas possÃvel hipÃ³tese de "Brexit" (saÃda do Reuni Unido da UniÃ£o EuropÃ©ia) amanhÃ£. (continua)	23 Jun 2016, 16:21 - CEST	Porto Alegre	0	neutral
creativityvtalu	RT @philstockworld: O Brexit Day! Callooh! Callay! $SCHN $SPY $CLF #Futures https://t.co/NfYWt2NpsJ https://t.co/je0ef2LawL	23 Jun 2016, 16:21 - CEST	Michigan	246	positive
YevetteBergqui2	RT @Snowden: No matter the outcome, #Brexit polls demonstrate how quickly half of any population can be convinced to vote against itself. Qâ€¦	23 Jun 2016, 16:21 - CEST	Silicon Valley	665	neutral
pcoss	Brexit Explained https://t.co/Dg0cHWSjkK	23 Jun 2016, 16:21 - CEST	á¼¨Î»Ï•Ï ƒÎ¹Î¿Î½ Ï€ÎµÎ¹Î¯Î¿Î½	0	negative

GARCIAJacqueli2	RT @ClementCln: Je suis contre le #Brexit mais je suis pour la rÃ©forme du modÃ¨le europÃ©en ! #BrexitOrNot	23 Jun 2016, 16:21 - CEST		1	negative
racketnews	Even France would LEAVE the â€˜sadâ€™ EU if it had a referendum, top French philosopher says https://t.co/FNMQBMLIis	23 Jun 2016, 16:21 - CEST		0	positive
NotihoyPeru	Encuesta | 55 % de los britÃ¡nicos estÃ¡n en contra del Brexit >>> https://t.co/jActezn8yl https://t.co/Vq5chrORKg	23 Jun 2016, 16:21 - CEST	Lima, PerÃº	0	neutral
notihoyweb	Encuesta | 55 % de los britÃ¡nicos estÃ¡n en contra del Brexit >>> https://t.co/C9chGFUwpI https://t.co/i7pP5YbLIm	23 Jun 2016, 16:21 - CEST	Venezuela	0	neutral
bethancrowden	RT @WilfredFrost: What could follow Brexit? Italeave. Czechout. Oustria. Finish. Slovakout. Latervia. Byegium. Or my personal favourite Dâ€¦	23 Jun 2016, 16:21 - CEST		42	positive
ccifrance	RT @CCIR_NordFrance: #BREXIT Qu'en pensent les #entrepreneurs franÃ§ais ? via @ccifrance https://t.co/N2TOfKfrYK https://t.co/7pauVuCRjb	23 Jun 2016, 16:21 - CEST	France Paris 17Ã¨	1	neutral
ettlinger	EUKritik frisch ab Presse: Die Zeitungen haben den BrexitBoden gelegt https://t.co/SMjAiypWBV	23 Jun 2016, 16:21 - CEST	Ettlingen	0	neutral
MelyndaCardiel	RT @scottdgordon88: I #VoteIn for the #Brexit #EURef vote with @Brndstr & unlocked my own Flag Profile pic! What will you vote? #ivoted httâ€¦	23 Jun 2016, 16:21 - CEST	Silicon Valley	1	positive
928ster	RT @paulwaugh: Clue to how strong the Brexit vote is. In Bermondsey newsagents this am, shopkeeper, his wife + all customers buying paper wâ€¦	23 Jun 2016, 16:21 - CEST		29	positive
Happy_kiddo	23 June last yr,I made a Brexit of my own! Can't believe it's been a yr, full of adventures&challengesâœˆâ˜€âœˆâ˜€ To the next..!	23 Jun 2016, 16:21 - CEST	Sydney, Australia	0	negative
simonhall1974	and these people are being allowed to vote today #helpus #brexit https://t.co/cX5dr3RT8v	23 Jun 2016, 16:21 - CEST		0	positive
_Daniela31	RT @Snowden: No matter the outcome, #Brexit polls demonstrate how quickly half of any population can be convinced to vote against itself. Qâ€¦	23 Jun 2016, 16:21 - CEST	Madrid	665	neutral
1newlyred	RT @evertonfc2: It's all about who do you dislike the most #Brexit #Remain #c4debate https://t.co/xV2l4ZnwfB	23 Jun 2016, 16:38 - CEST		34	negative
rosyjour	RT @pascalbauche: Quoi de mieux pour illustrer le choix historique qui s'offre aux Anglais! #Brexit #GoBrexit #FN https://t.co/0TUxRKGCIs	23 Jun 2016, 16:38 - CEST		26	neutral
caldo_carlo	RT @Australiaunwra6: #VoteLeave today to secure #Brexit This is the Future that awaits us should we #Voteremain @StrongerIn https://t.co/â€¦	23 Jun 2016, 16:38 - CEST		47	positive
stephen82754737	@LeeReynoldsDUP Spoke to Carly Simon says she's "leaving on a jet plane doesn't known when she'll be back to EU again" #Brexit	23 Jun 2016, 16:38 - CEST	Belfast Northern Ireland	0	negative
WhoShouldIVote4	RT @USA_FREEDOM_NOW: Godspeed, #Brexit. Stick it to the globalists. We #Trump warriors stand united with you.	23 Jun 2016, 16:38 - CEST	United States	1	positive

alexcapron	Les British, vous prendriez bien un croissant ? #operationcroissant #BrexitOrNot #Brexit https://t.co/ce9VkU3DFG	23 Jun 2016, 16:38 - CEST	Paris	0	neutral
DavidJohnJ1984	Funny how Europe are all over us with support and praise to stay... where was all this interest when we performed in the Eurovision #brexit	23 Jun 2016, 16:38 - CEST	Birmingham, England	0	positive
UseiKY	Brexit: 5 Things To Know About British Vote On Leaving European Union: A major vote will go down in... https://t.co/Q6Y80VJBN0 #MafiaSdv	23 Jun 2016, 16:38 - CEST	Brasil	0	negative
StuySquare	We anticipate the #Brexit vote will be to stay by a narrow margin. #Brussels chastened. #Britain empowered. A good outcome all around.	23 Jun 2016, 16:38 - CEST	New York	0	positive
Ronin_IP	Could the #Brexit bookies be manipulated?https://t.co/L7PoTBHJs1	23 Jun 2016, 16:38 - CEST	CT	0	negative
SusevanKleef	RT @NOS: Ongeacht de uitkomst van het brexitreferendum wil Merkel met regeringsleiders praten over de toekomst van de EU: https://t.co/LGLâ€¦	23 Jun 2016, 16:38 - CEST	London, England	5	negative
johnodonnell21	Is cinema shooter in #germany going to influence #brexit #referendum? His motives unclear.	23 Jun 2016, 16:38 - CEST	Brussels & Frankfurt	0	negative
gretel_andersen	@BritsLovePolls fingers and toes all crossed for brexit. You can do this Britain. You still have what made you great.	23 Jun 2016, 16:38 - CEST		0	positive
Pepecongales	RT @MissRoxyMusic: Si el Brexit jode al dÃ³lar, usted ya sabe lo que sigue.	23 Jun 2016, 16:38 - CEST	Guadalajara de Indias	3	negative
matie197	#Brexit might be the best thing for the UK...but it doesn't look good for the EU	23 Jun 2016, 16:38 - CEST	Johannesburg	0	negative
captsingh	Currently Drifting towards EU.....#Brexit Come, my friends, 'T is not too late to seek a newer world. https://t.co/ygcz5JaNzF	23 Jun 2016, 16:38 - CEST	SINGAPORE	1	neutral
ModLangsAber	RT @afpfr: Hollande souhaite que les britanniques restent Le DIRECT #AFP sur le #Brexit > https://t.co/6d8tpFlvnh https://t.co/Du7sX2IFâ€¦	23 Jun 2016, 16:38 - CEST	Aberystwyth, Wales	9	positive
JohnJonny1	RT @llmhurtado: Erdogan quiere un referÃ©ndum sobre el 'Brexit'. Sin ser aÃºn de la UE. Preguntar a turcos si quieren seguir con proceso de iâ€¦	23 Jun 2016, 16:55 - CEST	Un ecuatoriano mÃ¡s en Valencia	3	negative
bungdan	Brexit, you ask? Follow the money. https://t.co/qPx5eTcPEP	23 Jun 2016, 16:55 - CEST	Somewhere near Sacramento	0	neutral
haydenkempr	peak when a 97 year old who could die tomorrow can vote but 16/17 year olds can't #Remain #brexit	23 Jun 2016, 16:55 - CEST		0	negative

mujunaeem	RT @eToro: In or out? Either way, it affects the $GBPUSD What will the UK vote in the #EURe ? #Brexit https://t.co/qOEL1an8TH	23 Jun 2016, 16:55 - CEST	Earth	578	negative
MaryKapadia	RT @SocEconMag: Steve Hedley of @RMTunion makes the trade union case for #Lexit #VoteLeave #Brexit #EUref https://t.co/0LzR0fwIqv https:â€¦	23 Jun 2016, 16:55 - CEST	Leicester, England	34	positive
w_nicht	RT @PaulbernalUK: #Brexit people want to #usepens because MI5 are rubbing out their votes but voting to remove one of the few areas of lawâ€¦	23 Jun 2016, 16:55 - CEST	Europe	7	negative
JamesLewisMurr1	RT @Daily_Express: Holland BACKS Brexit: Dutch people urge Britons to QUIT doomed bloc #EUref https://t.co/VhYJHIycnS https://t.co/GqPuwfM1â€¦	23 Jun 2016, 16:55 - CEST	Hamilton Caledonia	38	negative
I_Invest_Mag	The Impact of a Brexit on the European EMoney Market https://t.co/Ab1fEXEQRh	23 Jun 2016, 16:55 - CEST		0	positive
AI_Global_Media	The Impact of a Brexit on the European EMoney Market https://t.co/skyFG7EJ9o	23 Jun 2016, 16:55 - CEST		0	positive
tropicalzoe	I #VoteOut for the #Brexit #EURef vote with @Brndstr & unlocked my own Flag Profile pic! What will you vote? #ivoted https://t.co/g6s9EBtG5J	23 Jun 2016, 16:55 - CEST	rosewood	0	positive
Mumtrepreneur	@eucopresident Today is the day to repeat this message if it is the truth @eucopresident #referendum #Remain #Brexit	23 Jun 2016, 16:55 - CEST		0	negative
soccer_is_alive	RT @BillDudleyNorth: Campaign team in Stourbridge #Brexit winning https://t.co/576OOV0ZiC	23 Jun 2016, 16:55 - CEST		28	positive
gdnnetwork	[#SmallBusiness #Brexit #UK] How The Brexit Vote Could Hurt Small Business Lending In The U.S. @forbes https://t.co/PMlDr0xxTZ	23 Jun 2016, 16:55 - CEST		0	negative
minthecab	RT @StephenBulled: Mr Cameron said I might lose a few quid if I vote leave. Just remember what we asked these guys to give. Brexit httpâ€¦	23 Jun 2016, 16:55 - CEST	Kent	197	positive
ETFFunds	Dow Up Big as Brexit Fears Wane.. https://t.co/L7je5Xwvj3 $DIA #ETF #ETFs #Stocks	23 Jun 2016, 16:55 - CEST	Orlando, FL	0	negative
ClLongmuir	RT @HuwGruffydd: UK Brexit vote: Muslim hatepreacher backs â€˜Remainâ€™ â€“ Says EU courts benefit Islam and are softâ€¦ https://t.co/qu221XCueJ vâ€¦	23 Jun 2016, 16:55 - CEST		11	negative
storahagen	RT @TheSwedishRhino: Att @anderslindberg tillhÃ¶r #Remain Ã¤r en tydlig kontraindikator pÃ¥ hur otroligt viktig #Brexit Ã¤r fÃ¶r vÃ¥r framtid httâ€¦	23 Jun 2016, 16:55 - CEST	Nora, (Ãªven Gotland), Sverige	2	negative
axelchri	@carolaurrejola ojo q tÃ©cnicamente hoy es referÃ©ndum de permanencia de UK a la UE. Brexit se refiere al escenario de q gane la opciÃ³n Salir	23 Jun 2016, 16:55 - CEST		0	positive
Izzaroiz	En Reino Unido el brexit y aquÃ Muskiz o Leioa. #referendum	23 Jun 2016, 16:55 - CEST	ezkerraldea	0	neutral

Khansaiff1	RT @missingfaktor: Brexit. Grexit. Departugal. Italeave. Fruckoff. Czechout. Oustria. Finish. Slovakout. Latervia. Byegium.	23 Jun 2016, 16:55 - CEST	Mumbai ,India.	5664	positive
basedkaka	I #VoteIn for the #Brexit #EURef vote with @Brndstr & unlocked my own Flag Profile pic! What will you vote? #ivoted https://t.co/GMVeCImK7V	23 Jun 2016, 17:12 - CEST		0	positive
Dvmebi	RT @missingfaktor: Brexit. Grexit. Departugal. Italeave. Fruckoff. Czechout. Oustria. Finish. Slovakout. Latervia. Byegium.	23 Jun 2016, 17:12 - CEST	Not In Kansas Anymore	5723	positive
deanowilliams7	RT @Geezajay2013: Here we go folks, Next they will be arresting people for voting leave! #Brexit #VoteLeave https://t.co/uB6ZAea102	23 Jun 2016, 17:12 - CEST	southampton	5	positive
edavid57edavid	RT @nytimes: MorningÂ Briefing: Here's what you need to know to start your day https://t.co/fvjfPVQUXS https://t.co/nDR2iTbkAX	23 Jun 2016, 17:12 - CEST		39	positive
commodityways_J	RT @jrhopkin: #Brexit: a handy way of allowing the poor to get angry about inequality without challenging the people responsible? https://tâ€¦	23 Jun 2016, 17:12 - CEST	India	1	negative
3pin3	RT @toadmeister: #VoteLeave #Brexit #IndependenceDay https://t.co/i8JlTC8hNE	23 Jun 2016, 17:12 - CEST	Brighton	178	positive
Mikelelosegiazp	RT @hugomabarca: Los que dicen que todos los espaÃ±oles tenemos que votar sobre CataluÃ±a porque nos influye Â¿exigen que votemos el Brexit?	23 Jun 2016, 17:12 - CEST	Gasteiz (Euskal Herria)	52	positive
bosey44	RT @ElizabethHurley: Vote tomorrowwhatever your persuasion. I'm for #Brexit & promise to neither gloat nor whinge. But VOTE! https:â€¦	23 Jun 2016, 17:12 - CEST		3515	negative
GarethFearn	@samhind10 Presume you will be backing brexit? Gonna be a lot of money in cartography if we leave. Will need brand new maps!	23 Jun 2016, 17:12 - CEST	Manchester, England	0	positive
DanKing383	You ruled most of the world by yourself, why do you need the EU now? #Brexit	23 Jun 2016, 17:12 - CEST		0	negative
amustie	RT @MONEY: 5 reasons Americans should care about the #EURef https://t.co/qSI5g63D4C	23 Jun 2016, 17:12 - CEST	Lagos, Nigeria	6	neutral
taylormarsh	RT @CNBC: A #Brexit could be costly, warns @David_Cameron. Everything you need to know about #EURef: https://t.co/A11qbSJ6A7 https://t.co/Iâ€¦	23 Jun 2016, 17:12 - CEST	Washington, D.C. Beltway	9	negative
Alisha90uk	#iVoted for #Brexit today! Britain should not by ruled over by foreign globalist elites! #referendum	23 Jun 2016, 17:12 - CEST	Toronto Canada, Leeds England	0	negative
nymeria60	RT @Anny690: Brexit : en plein scrutin, la Barclays brandit la menace dâ€™une tourmente mondiale !@novopress https://t.co/9ovaqAOsPn	23 Jun 2016, 17:12 - CEST		4	negative
sasa16sasa	RT @WilfredFrost: What could follow Brexit? Italeave. Czechout. Oustria. Finish. Slovakout. Latervia. Byegium. Or my personal favourite Dâ€¦	23 Jun 2016, 17:12 - CEST		312	positive
POLSEdmonton	Why votersâ€™ â€˜flinch factorâ€™ will doom Brexit: Britain's Brexit referendum looks too closeâ€¦ https://t.co/yLn9NVf63d https://t.co/GfWXgVDQ5R	23 Jun 2016, 17:12 - CEST	Edmonton, Canada	0	neutral

NBaltasa	RT @VilaWeb: .@raulromeva: â€˜El #Brexit desmenteix que una Catalunya independent sortiria de la UEâ€™ https://t.co/EwyA3F3IOb	23 Jun 2016, 17:12 - CEST		26	neutral
BRESU_	RT @Daily_Express: 'Turkish migrants to CRIPPLE the NHS' #Brexit minister's stark WARNING about EU ascension https://t.co/MnHiwJPDra https:â€¦	23 Jun 2016, 17:12 - CEST	UNITED KINGDOM | FOLLOW BACK	50	neutral
USA1Calling	RT @808alohadeals: So he was speeding up training on who?!? #Brexit @BarbMuenchen @Patriotic_Me @dawnmariefhl @surfermom77 @steph93065 httâ€¦	23 Jun 2016, 17:12 - CEST	USA	84	negative
24bourse	#Forex: Lâ€™#euro majoritairement en hausse, le vote sur le #Brexit domine https://t.co/brCWMg2cOs https://t.co/pb4moimUqK	23 Jun 2016, 17:29 - CEST	France	0	positive
FireCask	Boozing for #brexit or bladdered for #bremain? Whichever way, play the Ultimate EU Referendum Drinking Game. #EURef https://t.co/bkcP9VJ7IX	23 Jun 2016, 17:29 - CEST	Manchester, UK	0	negative
roujul	RT @golub: 'Brexit' to be followed by Grexit. Departugal. Italeave. Fruckoff. Czechout. Oustria. Finish. Slovakout. Latervia. Byegium.	23 Jun 2016, 17:29 - CEST		2729	positive
kraftw33rk	#Brexit Brexit Brexit Ich kann's nicht mehr hÃ¶ren! Lasst sie doch ziehen Mann. Die Welt dreht sich weiter. Laberlaber. Macht andere Arbeit	23 Jun 2016, 17:29 - CEST	Niedersachsen, Deutschland	0	negative
F1fankaren	I voted out #VoteLeave #Brexit #EUref #TakeBackControl https://t.co/iM98FvrznN	23 Jun 2016, 17:29 - CEST	Newcastle Upon Tyne, England	0	positive
almutmoeller	RT @JJ52: #Brexit and me tonight on @dw_global until dawn, Berlin time @ecfr https://t.co/BCFxNA4bWt	23 Jun 2016, 17:29 - CEST	Berlin	2	neutral
cenmag	Here's how a British exit from EU could affect the UK chemical industry & scientists https://t.co/58IVV5Ogu1 #Brexit https://t.co/AQYRdOkInF	23 Jun 2016, 17:29 - CEST	Washington DC	0	negative
Ohitsanissa	I #VoteIn for the #Brexit #EURef vote with @Brndstr & unlocked my own Flag Profile pic! What will you vote? #ivoted https://t.co/cOC7oaFtdo	23 Jun 2016, 17:29 - CEST	S.LDN	0	positive
Kisushima	RT @Snowden: No matter the outcome, #Brexit polls demonstrate how quickly half of any population can be convinced to vote against itself. Qâ€¦	23 Jun 2016, 17:29 - CEST	Norwich	3235	neutral
NononJakuzure18	RT @FolkyYuno: idea: #brexit	23 Jun 2016, 17:29 - CEST	Moscow, Russia	2	neutral
contedelfina	How 'Brexit' would inflame populism abroad â€" and here in the US https://t.co/jDW2Dngtnq	23 Jun 2016, 17:29 - CEST	Chicago, IL	0	negative

Danaperson a	Svenska partiledarnas stora oro fÃ¶r en brexit https://t.co/ACKcSL5GI7 Tummarna fÃ¶r England, lÃ¤mna dÃ¥rskapen.	23 Jun 2016, 17:29 - CEST	GÃ¶teborg, Sverige	0	negative
mrtriple5	RT @DonaldClarke63: It's #pencilgate. #Brexit nutcases suggesting pencils, rather than pens, have been provided to facilitate fraud. https:â€¦	23 Jun 2016, 17:29 - CEST		3	neutral
Insure_My_Villa	#UKexpats in Spain watching Brexit vote anxiously https://t.co/Qdlp2XdMNW #Spain https://t.co/F5iId6amUr	23 Jun 2016, 17:29 - CEST	UK	0	neutral
KeevoBrown82	European family in park. Mum says to kids "come on, its time to go home" Come tomorrow morning it may be truer than you suggested #brexit	23 Jun 2016, 17:29 - CEST	Whitley. Coventry. U.K.	0	neutral
pialikespizza	RT @AlisonNotaBird: the real stake of #brexit is if @pialikespizza keeps or loses her status of having the two most powerful passports in tâ€¦	23 Jun 2016, 17:29 - CEST	THE MOMENT	1	neutral
fsclaire_	Whit does "brexit" mean?? makes me think of breakfast	23 Jun 2016, 17:29 - CEST	scotland.	0	positive
eleanorpd	RT @sophie_sparkes: Last night, Remain tweets finally outstripped Leave tweets. Wonder if this is indicative of how #brexit will go? https:â€¦	23 Jun 2016, 17:29 - CEST	Mercer Island, WA	1	negative
TheGregJones	People of Britain: how about celebrating with a continental breakfast for #Bremain and a consolatory full English if it's #Brexit?? #EUref	23 Jun 2016, 17:29 - CEST	London	0	negative
SPIEGEL_Politik	RT @Augstein: Um die Rechten zu stoppen muss Europa stÃ¤rker UND sozialer werden https://t.co/4KnK3Nur5J	23 Jun 2016, 17:29 - CEST	Hamburg und Berlin	2	neutral
condorbox	RT @gzibordi: la cosa patetica Ã¨ che sia il Blog di Grillo&DeMaio che la Meloni non appoggiano la Brexit perchÃ¨ hanno la sensazione che perâ€¦	23 Jun 2016, 17:46 - CEST	43.52247,13.23519	7	negative
Mickierod	@realdealdanny seriously make sure you use a pen. I am NOT joking. Brexit	23 Jun 2016, 17:46 - CEST	Here, there and back again	0	negative
Hansalyse	Sidder pÃ¥ en strand i Israel. Hvor kan jeg finde en brexit exitpoll?	23 Jun 2016, 17:46 - CEST	â˜Žï¸•28543246	0	negative
NewstalkFM	#Brexit: The highs and lows of the referendum campaign so far: https://t.co/83IFANn5v2 https://t.co/zmacFkIGWc	23 Jun 2016, 17:46 - CEST	Ireland	0	negative
KebiegoNixon	RT @citizentvkenya: BREXIT: What the consequential vote means https://t.co/xHxzI8W1SF https://t.co/T2VGJaCTcO	23 Jun 2016, 17:46 - CEST	kitale	2	neutral
wlstcom	Wall Street Climbs as Brexit Vote Eyed Fox Business #Brexit https://t.co/S6DviHMrfm https://t.co/L5lO3Wyurk https://t.co/UBVKdi2oWI	23 Jun 2016, 17:46 - CEST	digital	0	neutral
facilitatore	The latest The facilitatore Daily! https://t.co/ZHox0g2dZ4 Thanks to @gmboccanera @perugini #brexit #m5s	23 Jun 2016, 17:46 - CEST	Ti risolvo problemi	0	positive

SOHOCG	RT @Eventmagazine: Final #Brexit countdown #eventprofs: Have you voted? #ivoted #EUref #experiential	23 Jun 2016, 17:46 - CEST	United Kingdom | Great Britain	11	neutral
NEStrongerIn	North East faith figures sign letter urging against Brexit https://t.co/jLJvImdcQc	23 Jun 2016, 17:46 - CEST	North East, England	0	neutral
Dylan__nick	RT @golub: 'Brexit' to be followed by Grexit. Departugal. Italeave. Fruckoff. Czechout. Oustria. Finish. Slovakout. Latervia. Byegium.	23 Jun 2016, 17:46 - CEST	Gallifrey	2922	positive
wwjzd1	RT @AmbJohnBolton: Retweet to show your support for #Brexiters across the pond as they vote in today's #UKreferendum. #VoteLeave #Brexit	23 Jun 2016, 17:46 - CEST	New York, NY	284	positive
MargueritePerle	RT @lemondefr: La presse britannique vote Â« #Brexit Â» https://t.co/JopGlamLII	23 Jun 2016, 17:46 - CEST	France, Evry	14	neutral
WeepingSophia	@sophiabotha74 Racists, truly believe it's okay to RACIALLY PROFILE, majority WHITE NATIONS. INTERNATIONAL HATE CRIME. #Brexit	23 Jun 2016, 17:46 - CEST	Ohio	0	negative
maletalt	Regno Unito: code agli sportelli per ritirare denaro. Eâ€™ â€œBrexit fobiaâ€• https://t.co/fiCZyiE3Z1	23 Jun 2016, 17:46 - CEST		0	negative
Shoobridge	Why vote out? https://t.co/IizSZMvZoJ #Brexit #WeWantOut	23 Jun 2016, 17:46 - CEST	United States	0	negative
mendes_soldier8	RT @GlamourMagUK: #IVoted Team GLAMOUR votes Remain. Here's why: https://t.co/i5iv1GJkQJ https://t.co/QwuIF9HPMZ	23 Jun 2016, 17:46 - CEST	oxford, uk	136	negative
luke_sw2	RT @JetSetterRyan: 80% of Americans think the U.K. should leave the EU. They're right. #Brexit #ChooseWisely https://t.co/zpHfB0qXFm	23 Jun 2016, 17:46 - CEST	SC, USA	70	positive
BestFifaWagers1	I #VoteOut for the #Brexit #EURef vote with @Brndstr & unlocked my own Flag Profile pic! What will you vote? #ivoted https://t.co/abwP6lr4Wy	23 Jun 2016, 17:46 - CEST		0	positive
UKIPNFKN	Commons confidential: Boris's blond #Brexit ambition #StrongerIN #VoteIN #EUref #INorOUT #LabourIN #INTogether https://t.co/9sW5u4OmSP	23 Jun 2016, 17:46 - CEST	United Kingdom	0	negative
julochinho	RT @aguzmanbas: Faltan 6 horas para el cierre de los colegios en el Reino Unido. Las ÃºltimAs encuestas dan una ligera ventaja al 'Remain'.â€¦	23 Jun 2016, 17:46 - CEST	Torre de HÃ©rcules	5	negative
englishjohn007	RT @DavidJo52951945: Police question UKIP supporter who gave voters a pen outside the polling stationsounds very suspicious https://t.co/2â€¦	23 Jun 2016, 18:03 - CEST	England	94	negative
Perugiacafe	RT @nhk_news: ã€ã‚¤ã‚®ãƒªã‚¹ã›ãšæ“ä¼šè§£è³ã€‘ ã‚¤ã‚®ãƒªã‚¹ã‚¯ãƒ©ã‚¦ãƒ‰ã‚ãã‚ã‚ã‚

PriorAwareness	Index shifts, Brexit vote could make Friday freaky on Wall Street https://t.co/jbs5M9zGSr	23 Jun 2016, 18:03 - CEST	Omnipr evelant	0	negative
the_ocd_editor	RT @Britannica: Curious about today's #Brexit referendum in the U.K.? We've got some background. #spotlight https://t.co/PxVRpMvLBI https:/â€¦	23 Jun 2016, 18:03 - CEST		1	positive
a_molinam	RT @ReactionaryTree: I'd honestly be surprised if the UK we allowed to #Brexit even if they vote to leave. I doubt the EU bureaucrats willâ€¦	23 Jun 2016, 18:03 - CEST	Merida, Mexico	2	positive
HFerdjani	RT @ImaniAmrani: This morning's discussion with @HFerdjani for @africanews on #Brexit (I love that they dubbed me w/a man's voice) https://â€¦	23 Jun 2016, 18:03 - CEST	All Over The Place	1	positive
massivegenius77	@massivegenius77 Havd u voted? #ivote #ivoted #BrexitOrNot #Brexit #StrongerIn	23 Jun 2016, 18:03 - CEST	North Weald, East	0	negative
drecksackdings	passend zum #brexit ein bild meines englischen garten. https://t.co/n1oly2v0Gd	23 Jun 2016, 18:03 - CEST		0	positive
sturdy_citizen	RT @EconomistLake: What a day: UK Brexit vote Supreme Court blocks Obama immigration plan House Democrats stage sitin Trump visits golf coâ€¦	23 Jun 2016, 18:03 - CEST		6	positive
grispastor	Ue#Brexit lo unico k que quema es la temperatura inusual en Bx!! https://t.co/heIPKX6SuR	23 Jun 2016, 18:03 - CEST	bruxelles	0	neutral
FouadBoussetta	RT @AishaAkbar17: Anjem Choudary, #UK Islamist & #ISIS Recruiter, endorses Remain. #StrongerIn what Universe? I stand with #BREXIT!!! httpsâ€¦	23 Jun 2016, 18:03 - CEST	Montreal,Quebec,Canada,Sol III	94	negative
ParisFranceNews	Brexit, les FranÃ§ais de Londres miperplexes, misereins https://t.co/6AXQLLQzPL #GoogleAlerts	23 Jun 2016, 18:03 - CEST	Paris	0	neutral
Mussi_87	I #VoteIn for the #Brexit #EURef vote with @Brndstr & unlocked my own Flag Profile pic! What will you vote? #ivoted https://t.co/fppaALA5wk	23 Jun 2016, 18:03 - CEST	Frankfurt am Main	0	positive
MaanvirMinhas	EUR'OPEANS to Britons : What matters in the end is YOUR'OPINIONS. #brexit #bremain #BremainVsBrexit #referendum #BrexitOrNot #EUref	23 Jun 2016, 18:03 - CEST		0	negative
SebmonkSeb	RT @B0andra: @ukleave_eu BREXIT! Keep our Sovereignty. https://t.co/IcEFilnT3U	23 Jun 2016, 18:03 - CEST	Uk	4	positive
UKIPNFKN	RT @InFactsOrg: Another example of misleading Brexit story gets corrected just in time for #EUref voters to not be misled! https://t.co/dâ€¦	23 Jun 2016, 18:03 - CEST	United Kingdom	6	negative

TarazonaCigars	RT @cosimocaridi: If today #Brexit, tomorrow Grexit Departugal Italeave Czechout Oustria Finish Slovakout Latervia Byegium via @SheikhItHâ€¦	23 Jun 2016, 18:03 - CEST	Miami, FL	101	positive
_MatthewBritton	RT @_MatthewBritton: This is what you look like when you #VoteLeave #EUref #EUreferendum #Brexit #VoteRemain https://t.co/HXAr856hg7	23 Jun 2016, 18:03 - CEST	Wales	4	positive
Davinchi__A	RT @pictoline: La Batalla del Brexit ha comenzado: Reino Unido estÃ¡ votando si se va o se queda en la UniÃ³n Europea https://t.co/AudmrcOx20	23 Jun 2016, 18:03 - CEST	Bogota, Colombia	456	neutral
GodSquadandMe	@keitheadams has been trolled all day since this tweet. Don't know how 'In' take moral high ground #Brexit https://t.co/ZKr366ZD7R	23 Jun 2016, 18:03 - CEST		0	negative
BarfootPet	#EUreferendum #Brexit https://t.co/25JVVOvkkE	23 Jun 2016, 18:20 - CEST	Belfast, Northern Ireland	0	NA
gonzalomorgadoj	La academia britÃ¡nica alerta de los enormes riesgos cientÃficos del Brexit MIT Technology Review https://t.co/INA1KcXB8f @red_ciencia	23 Jun 2016, 18:20 - CEST		0	negative
sherloksam	RT @TDAJJKinahan: LIVE on #Periscope: Bank stress test and Brexit. https://t.co/sDFF7ipxQW	23 Jun 2016, 18:20 - CEST		8	negative
WanesYann	Belle promo antiBrexit https://t.co/sNdBYeu5va	23 Jun 2016, 18:20 - CEST	Bubry	0	NA
kezie_madu	RT @Amaka_Ekwo: #EURef Europe is not a nation. Vote leave. #Freedom #BRexit #Britain #BiafraExit #Biafra #FreeBiafra #SupportBiafra	23 Jun 2016, 18:20 - CEST		15	positive
DeepTmp	RT @KaspHaus: Ð“Ð»Ð°Ð²Ð½Ñ‹Ð¹ Ñ‚Ñ€Ð¾Ð½Ð½Ð¸Ð º #Brexit , Ñˆ ÐµÑ„ Ð¿Ð°Ñ€Ñ‚Ð¸ UKIP, Ð² ÐºÐ¾Ñ‚Ð¾Ñ€Ð¾Ð¹ Ñ‚Ð¾Ñ‚Ñ‚Ð¾Ñ‚ Ð“Ñ€Ñˆ ÐµÐ½ÑŒÐºÐ° Ð¤Ð¸Ð»Ð¸Ð¿Ð• Ð¿Ñ€Ð¾ ÐŁÐºÑ€Ð°Ð¸Ð½Ñƒ Ð²	23 Jun 2016, 18:20 - CEST		3	neutral

	Ð¸Ð½Ñ‚ÐµÑ€Ð²ÑŒÑŽ Ð›ÐµÐ½Ñ‚Ðµ.Ñ€Ñƒ: https://tâ€¦				
yactusfrance	Brexit : quelles consÃ©quences pour les entreprises franÃ§aises ? https://t.co/eRlZgEuxtz	23 Jun 2016, 18:20 - CEST	Paris, Ile-de-France	0	neutral
sdalsulami10122	RT @HayleyMcQueen: Meanwhile the Caterpillars are busy today https://t.co/3Lg8MQtumZ #brexit	23 Jun 2016, 18:20 - CEST		4	neutral
joviaryadi	RT @TIME: This is why the Brexit vote could be just the beginning for an angry Europe https://t.co/vnuzL866AH [Corrected tweet]	23 Jun 2016, 18:20 - CEST	Jakarta - Bali, Indonesia	4	negative
tucksnews	Brexit Poll Shows 80% Of Americans Think Britain Should Leave EU Forbes https://t.co/16GAw5bNmt	23 Jun 2016, 18:20 - CEST	Austin, Texas	0	positive
milanbpatel90	RT @ndtv: #Brexit No doubt if UK Parliament had decided it would have voted #Remain: Shiv Shankar Mukherjee, ExEnvoy to Britain	23 Jun 2016, 18:20 - CEST	At hELL	1	negative
leoncina__	RT @Daniel_Portman: https://t.co/hE3KJF1NFn Being put on the same list as James Bond and Hermione Granger made me feel quite cool. #Remainâ€¦	23 Jun 2016, 18:20 - CEST	Saint Vladimir Academy	17	negative
sn0wba111	RT @DavidJo52951945: Analysis of betting oddsthere have been a large number of Brexit bets,remain no of bets small but larger bets https:/â€¦	23 Jun 2016, 18:20 - CEST	Ireland	26	negative
xchurlx	I #VoteIn for the #Brexit #EURef vote with @Brndstr & unlocked my own Flag Profile pic! What will you vote? #ivoted https://t.co/oSOD9lQeYa	23 Jun 2016, 18:20 - CEST	Newcastle, Port-Harcourt	0	positive
ldl3	The latest The ldl3 Daily! https://t.co/DADHXqVsqb Thanks to @Th3Zer0 @saracristaldi @jgbarah #brexit #euref	23 Jun 2016, 18:20 - CEST	Sardigna	0	positive
yactusfrance	Brexit : un scrutin indÃ©cis https://t.co/HT7yCBwBZt	23 Jun 2016, 18:20 - CEST	Paris, Ile-de-France	0	negative
efagie	RT @DrBrianMay: BREXIT ? My view ? Simple. Stay in Europe but then get rid of Cameron and his gang of proprivilege cronies. Let's get câ€¦	23 Jun 2016, 18:20 - CEST		632	negative
GiordieRobba	I #VoteIn for the #Brexit #EURef vote with @Brndstr & unlocked my own Flag Profile pic! What will you vote? #ivoted https://t.co/uSGeUIl1lF	23 Jun 2016, 18:20 - CEST	Iá”•á’ªEOá—´á—°á—©á’Ž	0	positive
debralinna	RT @gavthebrexit: BREAKING: Dozens TURNED AWAY from voting in EU referendum because of registration RIGGING??>>https://t.co/GRMPVIthKS httpâ€¦	23 Jun 2016, 18:20 - CEST	Wv	60	negative
ndtv	#Brexit | Large amount of British press not even owned by residents, they're peddling lies: Patrick French, Author and historian	23 Jun 2016, 18:20 - CEST	India	0	negative
balticbarbarian	RT @sidneyabbot: There should be more options with this #Brexit lark than "In" or "Out". Maybe a 3rd choice of "Just the tip". Works with tâ€¦	23 Jun 2016, 18:38 - CEST		24	positive

__katieoldcorn	I #VoteIn for the #Brexit #EURef vote with @Brndstr & unlocked my own Flag Profile pic! What will you vote? #ivoted https://t.co/IRNT2bX1nj	23 Jun 2016, 18:38 - CEST	Cumbria	0	positive
evie121462	RT @INTJutsu: The refugee fiasco emphasizes why the UK mustn't rely on foreign unelected officials to determine their fate #BREXIT https://â€¦	23 Jun 2016, 18:38 - CEST	Illinois, USA	9	negative
VieEconomique	Wall Street : portÃ© par l'hypothÃ¨se d'un non au Brexit. https://t.co/leKci23927 #wallstreet	23 Jun 2016, 18:38 - CEST		0	negative
ctrlaltdeluke	RT @WilfredFrost: What could follow Brexit? Italeave. Czechout. Oustria. Finish. Slovakout. Latervia. Byegium. Or my personal favourite Dâ€¦	23 Jun 2016, 18:38 - CEST	@aitarien	585	positive
nineismi9	RT @Snowden: No matter the outcome, #Brexit polls demonstrate how quickly half of any population can be convinced to vote against itself. Qâ€¦	23 Jun 2016, 18:38 - CEST		4370	neutral
RCJustSaying	#BrexitOrNot #Brexit is a good move, now can we talk about moving Pakistan may be to Mars ? #okSorryBye	23 Jun 2016, 18:38 - CEST	Phoenix Arizona	0	negative
grossi_9	RT @ajcdeane: Huge new #Brexit asset emerges. #VoteLeave #EUref #iVoted https://t.co/Xdrlyqapcr	23 Jun 2016, 18:38 - CEST	Liverpool	215	positive
MESUTTASKIRAN	@ProfElvanAktas tskkurler ederim.hocam bu arada brexit mi neyse bizi yaktÄ± ya...	23 Jun 2016, 18:38 - CEST		0	positive
ChobDux	Spinach, Emmental, and mushroom galettes at Castle Dux tonight. None of your shitty, bland, brexit butties for me.	23 Jun 2016, 18:38 - CEST		0	negative
KDG_Accountants	European stocks are flying https://t.co/ARFavKIotI	23 Jun 2016, 18:38 - CEST	Iver, Buckinghamshire	0	neutral
Gr8LakesCzarina	Reclaim your soverignity; #VoteLeave! Yay #Brexit.	23 Jun 2016, 18:38 - CEST	Hurtling into the abyss	0	positive
Adamonanners	RT @William_Hahne: Do the only sane thing and vote LEAVE today, British friends! Against the EU â€" For free European nations! #Brexit https â€¦	23 Jun 2016, 18:38 - CEST		5	positive
_lauracasey	@Nigel_Farage Social Data indicates that remain leads 58/42 https://t.co/inydRLNo6G #Brexit https://t.co/K5dG0po0aO	23 Jun 2016, 18:38 - CEST	Dallas	0	negative
Marta_Bellon	RT @LukaszGrass: Kolejki do kantorÃ³w wymiany walut w Londynie. @DamianSzymaski6 https://t.co/Uk5sGJsPwr https://t.co/tlfNXurCOF	23 Jun 2016, 18:38 - CEST	Warsaw, Poland	3	neutral
JackWiles16	RT @AldiCustCare: We've got limited stock of soon to be very rare, Boris Jonson signed Eurovision compilation CDs #Brexit #SpecialBuys http â€¦	23 Jun 2016, 18:37 - CEST	Bournemouth, England	5	positive

wowalexisrally	RT @BraddJaffy: To recap: â€”SCOTUS immigration â€”SCOTUS affirm. action â€”Freddie Gray verdict â€”Germany gunman â€”Brexit â€”House sitin â€”VW settlâ€¦	23 Jun 2016, 18:37 - CEST	blacklivesmatter	132	negative
TRADER_INSIDE	RT @MarketWatch: The dirty secret about the Brexit vote: Itâ€™s all a sham, says @BrettArends https://t.co/5MChC3HONH	23 Jun 2016, 18:37 - CEST	Wash D.C.	9	negative
DARKBLUETRADER	RT @MarketWatch: The dirty secret about the Brexit vote: Itâ€™s all a sham, says @BrettArends https://t.co/5MChC3HONH	23 Jun 2016, 18:37 - CEST		9	negative
emilykimber	RT @jamesdboys: A profound, sober article on divorce and #Brexit by the always engaging @nfergus for @spectator https://t.co/edWuLXYTMJ	23 Jun 2016, 18:37 - CEST	London	1	negative
CortioMalties	@Tono_Otero Â¿Por quÃ© los partidarios del #BREXIT estÃ¡n en negativo en la grÃ¡fica?	23 Jun 2016, 18:55 - CEST		0	NA
shop_marketer	RT mashable: RT MashableUK: #DogsAtPollingStations are helping their owners vote in the 'Brexit' referendum â€¦ https://t.co/sxsU6QWUVf	23 Jun 2016, 18:55 - CEST		0	NA
ColumbiaGR	RT @ForeignPolicy: Hereâ€™s how the Brexit could derail production of @GameofThrones, @davidcfrancis reports https://t.co/LQQICYo6l2	23 Jun 2016, 18:55 - CEST	New York, NY	4	NA
cateronchieri	RT @FrancoFrattini: #Brexit: attenti allâ€™effetto â€œtanto rumore per nullaâ€•.â€œRemainâ€• non cancellerÃ problemi Europa: serve cambio di passo htâ€¦	23 Jun 2016, 18:55 - CEST		4	negative
GiuseppinaLind3	RT @ForexLive: The Brexit vote is playing out in the market exactly like the Scottish referendum https://t.co/Tp0zeey6FJ https://t.co/Q2iQ5â€¦	23 Jun 2016, 18:55 - CEST	Silicon Valley	2	NA
Ladybug1357	https://t.co/pDuznAFUKz	23 Jun 2016, 18:55 - CEST	johannesburg. south africa	0	NA
AltNieuws	RT @PowellPolitics: The French said NO The Dutch said NO The Irish said NO The Dutch said NO Again All ignored or told to vote again. Comeâ€¦	23 Jun 2016, 18:55 - CEST		409	NA
rebeccanomics	Wondering what effect the rain will have on voter turnout. Will Brexit voters display more old fashioned British stoicism? #EUreferendum	23 Jun 2016, 18:55 - CEST	Waterloo London	1	NA
dngrfld	RT @Stop_The_EU: V O T E L E A V E For Freedom ~ Sovereignty ~ Democracy	23 Jun 2016, 18:55 - CEST	Astana	21	positive

	#usepens #iVoted #VoteLeave #Brexit #EUref #referendum httpsâ€¦				
txellt	RT @assemblea: No referendumNo democracy #Brexit https://t.co/6Rsn9rrsof	23 Jun 2016, 18:55 - CEST	Terrassa, Catalunya	163	NA
ficuselectric	Si vais a poner de moda lo de poneros calcetines largos con bermudas en verano, deberÃais celebrar un brexit personal y salir de la UE.	23 Jun 2016, 18:55 - CEST	Cut Off, LA	0	NA
aviation_dp	What Would Brexit Mean for Commercial Aviation? #uk https://t.co/UtLN4jWeoT	23 Jun 2016, 18:55 - CEST		0	NA
tomscott01	RT @Vendavo: #Oil Prices Fall on Supply Overhang, â€˜Brexitâ€™ Uncertainty: https://t.co/YljQOiCWTa via @WSJ	23 Jun 2016, 18:55 - CEST	Devon, PA	1	NA
anaisunbroken	I #VoteIn for the #Brexit #EURef vote with @Brndstr & unlocked my own Flag Profile pic! What will you vote? #ivoted https://t.co/2z2tWVVIla	23 Jun 2016, 18:55 - CEST	IdhÃºn	0	NA
Dogma666Steve	Of course the tax dodgers want us to stay in #Brexit	23 Jun 2016, 18:55 - CEST	UK	0	NA
taxhaven77	RT @AdamSmith2sei: æ—¥æœ¬æ ªæœˆç¬¬3é€±æŠ•è³‡éƒ¨é–€å^¥å£²è²·ç§¶æ³• ãƒ–ãƒã,°ã,³ãƒ¡ãƒ³ãƒˆã,'æ›´æ–°ã•ã•ã•—ãŸã€, â†'https://t.co/5rG7JOmIIF å£²è²·ã®åŒæ–¹ã•ŒBrexitä¸‚å®‰ã¨æ—¥é©ã‹ã‚ã‚ã‹ã«ã‚ã‚ã‹ã‚ã‚ã‹ã‚ã‚ã‹

Alexios1201	#BREXIT #EUREF madness https://t.co/V0Kp3p5CD6	23 Jun 2016, 19:12 - CEST	#OOTT	0	NA
247Hayden Media	RT @Nigel_Farage: It's time to get our borders back, our democracy back and our country back. #Brexit https://t.co/eArDsfxlO3	23 Jun 2016, 19:12 - CEST	Yorkshire, England	1806	NA
afiqahmnr	RT @ajplus: London's mayor Sadiq Khan crushed a recent #Brexit debate â€" while fasting. Mic drop, please. https://t.co/cN5jMmfvmQ	23 Jun 2016, 19:12 - CEST	Indiana, USA	614	NA
JoedeBrig	RT @golub: 'Brexit' to be followed by Grexit. Departugal. Italeave. Fruckoff. Czechout. Oustria. Finish. Slovakout. Latervia. Byegium.	23 Jun 2016, 19:12 - CEST	Paris	3909	positive
BomberNolan	@raymonddelauney hats off to @georgegalloway for his stance on #EUref #brexit #Lexit this is the second time I've agreed with him, fuck!!	23 Jun 2016, 19:12 - CEST		0	NA
elearning_utad	#Universidades | Brexit: que consequÃªncias para o ensino superior?: SÃ£o quem mais bolsas r... https://t.co/vi51INHl6B | #EnsinoSuperior	23 Jun 2016, 19:12 - CEST	Vila Real, Portugal	0	negative
Eyeintomyworld	RT @DarrenMole: Lies Talks with Turkey will start in days Brexit WON'T spark trade war Eu will NOT reform on open borders & deportation jobâ€¦	23 Jun 2016, 19:12 - CEST		6	NA
RealBiZI1	RT @MenInBoxes: #EUreferendum #EUref #BrexitOrNot #Brexit #VoteLeave https://t.co/nBa3TVNyao	23 Jun 2016, 19:12 - CEST		18	positive
lindongoodall	My full educated view I'm #brexit #leave	23 Jun 2016, 19:12 - CEST	Hereford, England	0	positive
angel1mcy	RT @pictoline: La Batalla del Brexit ha comenzado: Reino Unido estÃ¡ votando si se va o se queda en la UniÃ³n Europea https://t.co/AudmrcOx20	23 Jun 2016, 19:12 - CEST	San JosÃ© de Maracay, Aragua	1014	NA
nderi_j	RT @cobbo3: What's wrong with today's British rulers? A critical #Brexit vote & they haven't blocked Twitter and Facebook like some countriâ€¦	23 Jun 2016, 19:12 - CEST		58	NA
Cato_Minor	Die Ehe ist wie die EU. Also wie eine belagerte Burg: Die drauÃŸen sind wollen rein und die drin sind wollen raus. #brexit	23 Jun 2016, 19:12 - CEST		0	NA
ampatchara k	'Brexit' à¸à¸²à¸ˆà¸¡à¸µà¸œà¸¥à¸•à¸£à¸°à¸—à¸š 'Game of Thrones' https://t.co/4uaJLsPYyx	23 Jun 2016, 19:12 - CEST	...BKK... THAILAND...	0	NA
Gr8LakesCzarina	#VoteLeave â€œwould not only free the Brits fromâ€¦ EU, it would profoundly shake up the other	23 Jun 2016, 19:12 - CEST	Hurtling into the abyss	0	positive

	membersâ€⍰â€”@AmbJohnBolton https://t.co/Z3aOfq7Zx0				
hawkgirl1988	I #VoteOut for the #Brexit #EURef vote with @Brndstr & unlocked my own Flag Profile pic! What will you vote? #ivoted https://t.co/7NBSSRqp0H	23 Jun 2016, 19:12 - CEST	Sheffield, England	0	NA
nasosgrigo	RT @pitsirikos: Î´Î½ Î½ÎºÎ®ÏƒÎµÎ¹ Ï„Î¿ Brexit, Î±Î•Î•Î¹Î¿ Ï„Î¿ Ï€Î⍰Î‰ Î¿ ÎšÎ¬Î¼Î µÎ•Î¿Î½ Î¸Î± Î´Î¹ÎŽÎ¾Î µÎ¹ Ï„Î¿Î½ Î´Î¹Î¬Î¿Ï…Ï‡Î¬Î¿. #BrexitOrNot #BremainVsBrexit #EUref	23 Jun 2016, 19:29 - CEST	ÎŸÏ€Î¿Î…Î³Î±Î¼Î¹Î¿, Î¹Î¿Î¹Ï‡Î±Î¼Î¹Î¿ Ï‡Î±Ï•Î±.....	3	negative
RafaelGtrrz	"Brexit", con impacto transitorio en mercados, afirman especialistas	23 Jun 2016, 19:29 - CEST	Mexico	0	NA
MUFC_E334	I #VoteOut for the #Brexit #EURef vote with @Brndstr & unlocked my own Flag Profile pic! What will you vote? #ivoted https://t.co/MpQlTqwamT	23 Jun 2016, 19:29 - CEST	M6	0	NA
Heath20Robert	RT @PaulJamesOakley: #iVoted. Proud to be one of millions of Brits looking forward to a bright future outside the EU. #Brexit https://t.co/â€¦	23 Jun 2016, 19:29 - CEST	IN ENGLAND.	7	NA
DrEzekiel_	I #VoteOut for the #Brexit #EURef vote with @Brndstr & unlocked my own Flag Profile pic! What will you vote? #ivoted https://t.co/sYvRbuvtXR	23 Jun 2016, 19:29 - CEST	A nearly peaceful place	0	NA
pipsfinder	#Pipsfinder Instant: RT HalftimeReport: John Rogers, CEO of ArielFunds gives his #brexit sâ€¦ https://t.co/AvxpayPoHE https://t.co/6NVNDBG6xQ	23 Jun 2016, 19:29 - CEST	WORDLWIDE	0	NA
EAGCharlesB	RT @Citizensmif21: Every vote counts! Make sure everyone you know with a vote gets out there! #VoteLeave #LabourLeave #EUref #Brexit https:â€¦	23 Jun 2016, 19:29 - CEST	Oxfordshire	5	positive
bethomas__	I'm actually terrified that Brexit may win on the back of extreme weather preventing people (like me) from reaching a polling station	23 Jun 2016, 19:29 - CEST	SW9	0	NA
SmurfyJCK	I #VoteIn for the #Brexit #EURef vote with @Brndstr & unlocked my own Flag Profile pic! What will you vote? #ivoted https://t.co/7AWxvBFUs7	23 Jun 2016, 19:29 - CEST	Bristol	0	NA
BalcoSERCAT	EN DIRECTE, parlem amb @polmorillas @CidobBarcelona sobre #Brexit amb Ã²ptica catalana https://t.co/7d9P3rc4tX	23 Jun 2016, 19:29 - CEST	Catalunya	0	NA
realdrishaym	Investors feeling positive over Brexit outcome https://t.co/HWMfUyPROT	23 Jun 2016, 19:29 - CEST		0	NA
pig_poetry	RT @golub: 'Brexit' to be followed by Grexit. Departugal. Italeave. Fruckoff. Czechout. Oustria. Finish. Slovakout. Latervia. Byegium.	23 Jun 2016, 19:29 - CEST		4066	positive
sectradeideas	Wall Street marches ahead as Brexit seen unlikely https://t.co/AafMQ2urj2 via @Reuters	23 Jun 2016, 19:29 - CEST	Novato, CA	0	NA
GeorgeWoodEFC	I #VoteOut for the #Brexit #EURef vote with @Brndstr & unlocked my own Flag Profile pic! What will you vote? #ivoted https://t.co/yiad4nFvhD	23 Jun 2016, 19:29 - CEST		0	NA
capitalgr	Î ÏŽÏ‚ Î²Î»ÎŒÏ€ÏŒÏ…Î½ Ï„Î¿ ÎµÎ½Î´Î¹Î±Ï†Î¿Î¿ Brexit Î¿Î¹ ÎµÎ»Î»Î·Î½Î²Î¹Î¿ÎŒÏ‚, Ï„Ï⍰Î¬Ï€Î¿Î¶Î¹Ï‚, https://t.co/CdwzKmkpR4	23 Jun 2016, 19:29 - CEST	Athens, Greece	0	NA

kironetv	The latest The kironetv Daily! https://t.co/ey7MQ3bMK4 Thanks to @maryebrewer @LeBronJames #brexit #euro2016	23 Jun 2016, 19:29 - CEST		0	NA
TheAbsTimes	Brexit is just one example of the political problems Europe is facing https://t.co/S0pRApnz2c https://t.co/yvvGwSc4b4	23 Jun 2016, 19:29 - CEST	Worldwide	0	NA
_logan	@jfcarpio si gana el Brexit Escocia e Irlanda planean nuevos referendum sobre permanencia en UK, para volver a EU jaja	23 Jun 2016, 19:29 - CEST	Lincoln, NE	0	NA
ggomezQ	RT @infinitafm: Salario mÃnimo,marcha estudiantil, Brexit,Farc,la Roja y mÃ¡s AHORA en @mundoinfinita con @ggomezQ y @valenzuelagabi â†'https:â€¦	23 Jun 2016, 19:29 - CEST	chile	1	NA
f_beavis	RT @RoyCropperNOT_: Me and Ken just kicked out the polling station for shitting in the ballot box. #Brexit https://t.co/kp2cgUUIjL	23 Jun 2016, 19:29 - CEST		125	NA
stevenjohncole	RT @V_of_Europe: Who is the shooter in Germany? Is the German media censoring Islamic again to avoid a 'pro Brexit effect' in the UK? httpsâ€¦	23 Jun 2016, 19:46 - CEST	stoke on trent	38	NA
TrumptonCBI	RT @disclaimermag: Editorial: Damn the Houses of #Brexit and #Bremain by voting with enthusiasm #StrongerInEurope: https://t.co/GGblEGk6mgâ€¦	23 Jun 2016, 19:46 - CEST	Trumptonshire	2	negative
Paul1Singh	RT @b_tweet: PSA to my UK friends: #usepens for your Brexit "leave" vote or else squads of MI5 agents armed with erasers will furiously eraâ€¦	23 Jun 2016, 19:46 - CEST	City of London Europe	1	positive
Pharmdca	@paulwoll agree Paul. Everyone expecting bremain not brexit. iam cautious here as nothing factored in if we get a surprise brexit vote	23 Jun 2016, 19:46 - CEST	California, USA	0	negative
SOTWIFUNNY	I hope the citizens of #Britain make the right decision and do a #Brexit	23 Jun 2016, 19:46 - CEST	United States	0	NA
FN_Nachrichten	BREXIT/ROUNDUP 4: Historisches EUReferendum spaltet GroÃŸbritannien Rennen eng https://t.co/8GFyRLBHM1	23 Jun 2016, 19:46 - CEST	ZÃ¼rich	0	NA
maria_parra58	RT @gaceta_es: El Brexit, a la luz de la moral https://t.co/rTrDezDPVc https://t.co/qDOk8a8Nzv	23 Jun 2016, 19:46 - CEST	La CoruÃ±a, Galicia EspaÃ±a.	1	NA
BenDeCosimo	#Brexit ppl who be like "we want OUR DEMOCRACY BACK" https://t.co/3ztuz9w3nu	23 Jun 2016, 19:46 - CEST	London	0	neutral
DinoFancellu	RT @BritishAwake: Absolutely positively the last throw of the dice from #Remain #Brexit you have been warned! https://t.co/K4qzeXE8CN	23 Jun 2016, 19:46 - CEST	United Kingdom	8	negative
SolidSnakeUk89	Pencilgate erupts as police called to EU referendum polling station after woman lends other voters her PEN https://t.co/p9xE1SmsGH	23 Jun 2016, 19:46 - CEST	Around the world	0	NA
zoecorkhill	I liked a @YouTube video https://t.co/WMe5JWSvUd James Corden on Brexit: Vote to Stay in the EU	23 Jun 2016, 19:46 - CEST	Birmingham, UK	0	NA

victorbenito86	RT @quiquepeinado: Si gana el Brexit, Â¿Islandia pasa a cuartos?	23 Jun 2016, 19:46 - CEST	Arganda del Rey	104	NA
L_Amalgameur	Etant donnÃ© que les gens qui sont pour le #Brexit sont des arriÃ©rÃ©s, vous ne les entendrez pas sur @franceinfo. Aucun intÃ©rÃªt. #RÃ©sumÃ©	23 Jun 2016, 19:46 - CEST	FR... enfin ce qu'il en reste	1	NA
MuriMursic	@MatevzNovak @lucijausaj do izbrane meje tudi jaz podpiram #Brexit. UpoÅ¡tevaje politiÄ•no evolucijo naslednikov partizanov pa?	23 Jun 2016, 19:46 - CEST	Å tajerska	0	NA
KikoPeres	Brexit {Britain exiting the EU} ~ The Movie Full Film https://t.co/FgbcIOgcJY via @pfc_net	23 Jun 2016, 19:46 - CEST	Brasil	0	NA
JMokha_	RT @missingfaktor: Brexit. Grexit. Departugal. Italeave. Fruckoff. Czechout. Oustria. Finish. Slovakout. Latervia. Byegium.	23 Jun 2016, 19:46 - CEST	Kitwe	6011	positive
Blake2_0	RT @robmanuel: A vote for Brexit is a vote for a man who doesn't understand how capos work. https://t.co/QNRLaaE5GX	23 Jun 2016, 19:46 - CEST	Lincoln	7589	NA
SexenioCDMX	David Cameron emite su voto en el #Brexit https://t.co/xzWNVELbB8	23 Jun 2016, 19:46 - CEST	Distrito Federal	0	NA
Capezzone	RT @formichenews: Chi soffrirebbe di piÃ¹ con la Brexit L'intervento di Daniele Capezzone https://t.co/I2SiG5iWZM	23 Jun 2016, 19:46 - CEST		1	NA
sallyshin	RT @CNBCSocial: In a stunning turn of events, it's raining in London. That won't stop CNBC's @kaylatausche from reporting #Brexit â˜” https:/â€¦	23 Jun 2016, 19:46 - CEST	New York, NY	13	NA
saints247	People are losing their minds and humour over #Brexit Slagging each other off because you think different to them. Shame.	23 Jun 2016, 20:03 - CEST	Southampton	0	negative
FearAnLoathin	I #VoteIn for the #Brexit #EURef vote with @Brndstr & unlocked my own Flag Profile pic! What will you vote? #ivoted https://t.co/f2UkOorndM	23 Jun 2016, 20:03 - CEST	Brighton - IG: FearAnLoathin	0	positive
yoga4tea	RT @TheCanarySays: However Britain votes today, David Cameron is f*cked https://t.co/1OfJn4w34A #olsx #euref #ivoted #remain #brexit #VoteLâ€¦	23 Jun 2016, 20:03 - CEST		25	negative
FrenchForTrump	RT @JaredWyand: Howâ€™s it feel Brits knowing the Muslim population you let in is voting against your independence today? #Brexit #VoteLeaveâ€¦	23 Jun 2016, 20:03 - CEST	Miami, FL	87	positive
annecagle	https://t.co/w5NMjiQgKV #brexit Please don't leave.	23 Jun 2016, 20:03 - CEST	Pacific Northwest	0	positive
TimBukOneNEWS	$JSESBK #STANBANK View article https://t.co/4BVtCTtaZv https://t.co/klxlYCmWt5	23 Jun 2016, 20:03 - CEST	South Africa	0	neutral
davidkski	RT @Snowden: No matter the outcome, #Brexit polls demonstrate how quickly half of any population can be convinced to vote against itself. Qâ€¦	23 Jun 2016, 20:03 - CEST	Yardley Pa-NYC & in-	5318	neutral

			between		
sonalewsr	RT @ianbremmer: This is what the Brexit ballot looks like, for those curious. https://t.co/XWH5WXLMCV	23 Jun 2016, 20:03 - CEST	Adelaide, South Australia	151	neutral
leechjoe21	RT @Y_Eurosceptics: #Brexit guarantees accountable leaders, controlling immigration, signing our own trade deals & no more eurozone bailoutâ€¦	23 Jun 2016, 20:03 - CEST		15	negative
MaggieLearmonth	RT @ARTQUESTLONDON: What today might mean for artists https://t.co/nWiNtE4Lks via @hyperallergic https://t.co/daQ2RPDdpM	23 Jun 2016, 20:03 - CEST		8	neutral
FuckBoats	RT @RealAlexJones: #Brexit Insider: EU The â€˜New Soviet Unionâ€™ https://t.co/XtSlcLzqvu	23 Jun 2016, 20:03 - CEST	â•½ Â´-`â•¾	7	neutral
TheTradingSheep	RT @Stop_The_EU: It's time to take back control #Brexit #VoteLeave https://t.co/ScqneMkfn2	23 Jun 2016, 20:03 - CEST		162	positive
ophuels	18hrs and counting: Im Liveblog berichten wir die ganze Nacht durchgehend aus London. https://t.co/r8EtnZw2zH #HandelsblattUK	23 Jun 2016, 20:03 - CEST	DÃ¼sseldorf	0	positive
fonsvyncke	Eentje uit oude doos,nog brandend actueel#brexit https://t.co/80CUUgy9od	23 Jun 2016, 20:03 - CEST		0	negative
AK47Gooner	That same paranoia that makes people ignore what almost every major organisation advises on #brexit is now making them spoil their vote!	23 Jun 2016, 20:03 - CEST	Guildford	0	negative
majowski1959	Brexit. Co moÅ¼e czekaÄ‡ PolakÃ³w mieszkajÄ…cych na Wyspach https://t.co/pk8o3BUDo1	23 Jun 2016, 20:03 - CEST	Derby UK	0	neutral
UnknownLibra	RT @lesoir: #vidÃ©o Â«Remain or leaveÂ»: la pluie pourrait faire basculer le #Brexit https://t.co/2VG4kY6WjC https://t.co/LRFSSXLd8E	23 Jun 2016, 20:03 - CEST		1	negative
santhusitay	RT @washingtonpost: 8 Brexit voters reveal their thoughts on Europe https://t.co/VqAHDXM79O https://t.co/0iUt6Leuco	23 Jun 2016, 20:03 - CEST	Ciudad AutÃ³noma de Buenos Aire	18	negative
i_libros	RT @OpenBritain: Labour MPs with a genuine interest for workers understand the #EU #EURef #Brexit #Lexit #LabourLeave @labourleave https:/â€¦	23 Jun 2016, 20:03 - CEST	176 countries	27	positive
AnaPauVdz	Brexit	23 Jun 2016, 20:03 - CEST	Mexico	0	neutral
danhurrell1988	RT @MichelleDewbs: IBeen frustrated by people who feel that voting for Brexit is somehow 'backward thinking'. I'm outward looking but to thâ€¦	23 Jun 2016, 20:20 - CEST	Richmond, England	103	negative
antoniobb1953	RT @AmbBatet: Defensem mÃ©s integraciÃ³ i ens oposem als populismes que volen destruir el projecte europeu, com avui mateix veiem #Brexit #unâ€¦	23 Jun 2016, 20:20 - CEST		4	negative

CaimanValores	Commented on Market Prices Brexit Failure; For Colombia, The War Is Over Bezek's Daily Briefing https://t.co/J8mLMxP6t4 $GXG $DEO $EC $CIB	23 Jun 2016, 20:20 - CEST	Colombia	0	neutral
faizwahab	RT @WSJ: Why a Brexit matters to the U.K. auto industryâ€"Live coverage of EU referendum vote: https://t.co/TitHSlPmFn https://t.co/rHP4DTGyGX	23 Jun 2016, 20:20 - CEST		29	neutral
cerecun	RT @JazRabadia: The @EnergyInstitute #EnergyBarometer suggests impacts of brexit negative on the world of Energy https://t.co/d3Sl5BarFZ	23 Jun 2016, 20:20 - CEST		1	negative
dmedri	Sleepless in the City Lets Traders Bet Billions on Brexit Result https://t.co/xH3J2l4VWm #business #trading #finance	23 Jun 2016, 20:20 - CEST	Italy / Europe	0	negative
HighTechAztec	RT @Newsweek: EU referendum live coverage: Britain heads to the polls for historic vote https://t.co/hTN517ePCa #Brexit	23 Jun 2016, 20:20 - CEST	Houston, TX	9	neutral
Wozdog2	Another reason to #Brexit https://t.co/4MwQ8RNL9J	23 Jun 2016, 20:20 - CEST		0	neutral
JoseMa_Rouge	RT @teleSURtv: Conoce todo sobre la posible salida del #ReinoUnido de la UniÃ³n Europea. #Brexit >>>> https://t.co/CqtLV2FPw3 https://t.co/kâ€¦	23 Jun 2016, 20:20 - CEST	Ciudad de MÃ©xico.	5	neutral
valubit_news	New post: Gold Ends Lower; RiskOn Marketplace Just Ahead Of Brexit Results https://t.co/Hdu72cl2Kz	23 Jun 2016, 20:20 - CEST	United States	0	neutral
atlanta_amy	You know what's offtopic interesting about #brexit & #remain to me as an American? The UK still votes on paper. I miss paper voting.	23 Jun 2016, 20:20 - CEST	Atlanta, GA	0	negative
DarrenMeadows10	A man was seriously injured after being stabbed outside a polling station. https://t.co/7MoS20RVry	23 Jun 2016, 20:20 - CEST	Horden, County Durham, England	0	negative
DuncanOldham	I keep looking at my Spanish neighbours wondering if they're thinking "Let's hope he pisses off back to the UK!" #Brexit	23 Jun 2016, 20:20 - CEST	EspaÃ±a	0	negative
scarbro8	RT @D_Blanchflower: doesn't often happen but we certainly agree Brexit looks like a potential disaster in the making https://t.co/XzFvlfMQâ€¦	23 Jun 2016, 20:20 - CEST		2	negative
trxtrx1	RT @pinobici: @SkyTG24 dallo studio : "code per cambiare Â£ in â‚¬". Inviato a Londra "no francamente non mi risulta" Comici! #Brexit	23 Jun 2016, 20:20 - CEST		8	negative
casiosr	RT @MarkusSuedwitz: Brexit at Tiffany's #brexitfilme	23 Jun 2016, 20:20 - CEST	Hamburg	1	neutral
euanfranklin	RT @RoosterTeeth: Gus, Gavin, Brandon, Chris, and special guest Sally Le Page discuss Brexit, tits, and more! https://t.co/hfPbJu4eXs httpâ€¦	23 Jun 2016, 20:20 - CEST	Southampton, England	40	neutral
fryliemingue	@OurSonJack Never mind brexit, I am more concerned about whether I can actually get all this yogurt eaten :)	23 Jun 2016, 20:20 - CEST		0	neutral

simpleman01	RT @NetizenNick: #VoteLeave on #Brexit to #LeaveEU. https://t.co/MyzTuyxeu5 #BrexitOrNot #EUreferendum #Britain #British #UK #EU #Replaceâ€¦	23 Jun 2016, 20:20 - CEST	Dorset.	6	positive
jcoralpark	RT @Italians4Trump: Twitter is censoring #iVoted #Leave Votes! 29 #Leave vs 139 #Remain Votes in 15 min! #Brexit #EUref #BrexitOrNot httpsâ€¦	23 Jun 2016, 20:20 - CEST	United States	82	negative
Kazi_France	â„¹ #Infos â€¢ Les jeunes britanniques sontils la clÃ© du rÃ©fÃ©rendum sur le Brexit?: Les jeunes Britanniques, maj... https://t.co/MOQPx5EzDw	23 Jun 2016, 20:37 - CEST	Ãœ.T: 48.8667 47,2.30 7372	0	positive
robotforexnews	BREAKING Brexit exit poll news! https://t.co/T6meEzizAr [red]	23 Jun 2016, 20:37 - CEST	Karachi, Pakistan	0	negative
fxtraderbasics	The Brexit vote is playing out in the market exactly like the Scottish referendum: Comparing the S... https://t.co/U7UOMFZP6c [#fxBlogs]	23 Jun 2016, 20:37 - CEST	MalmÃ¶, Sweden	0	positive
UTNONDICAM	Final opinion polls show Remain ahead of Brexit https://t.co/snJ2wT75XC	23 Jun 2016, 20:37 - CEST		0	negative
fxtraderbasics	BREAKING Brexit exit poll news!: Livesquawk in conjunction with the Press Association will be cond... https://t.co/bPDGWchYnd [#fxBlogs]	23 Jun 2016, 20:37 - CEST	MalmÃ¶, Sweden	0	negative
HATEMAGAZIN	RT @HenryksBruder: Nicht ferwechseln PLZ Propaganda Edition #Brexit #Bremain #BrexitOrNot #VoteLeave #StrongerIn #strongerineurope https:â€¦	23 Jun 2016, 20:37 - CEST	Berlin	2	neutral
kellythornalley	@Richardesty don't make a haste brEXIT you might LEAVE something!! Haha I got to stop with these now	23 Jun 2016, 20:37 - CEST	Boston, England	0	positive
pamelafoti	RT @SkyTG24: #Brexit, l'editoriale del direttore @sarahvaretto: https://t.co/BE7guRdpXo https://t.co/XfoQkdMPj6	23 Jun 2016, 20:37 - CEST		14	negative
Ed_Demolay	RT @Death2RapeGangs: Farageâ€™s final rallying call: â€˜Itâ€™s us versus the Establishment go and vote for #Britain' https://t.co/VAGZrFYnLm #Bâ€¦	23 Jun 2016, 20:37 - CEST	United States	7	neutral
runwildsafaris	RT @ReutersBiz: Brexit vote could make Friday freaky on Wall Street: https://t.co/HiOVxKEmAe https://t.co/t7onXNVKP3	23 Jun 2016, 20:37 - CEST	Pretoria, South Africa	15	positive
m_harboe	RT @tAEnketank: Hvis #Brexit bliver en realitet kan det koste op mod 13.000 danske job #dkÃ¸ko https://t.co/nVT0IofLbg	23 Jun 2016, 20:37 - CEST	Frederiksberg	2	positive
eqlia_nozomu	Brexit vote: What the UK potentially leaving the EU means for tech CNET https://t.co/d8ozi5y4cQ	23 Jun 2016, 20:37 - CEST	ãƒ“ãƒ“ï¼•	0	positive

InomineX	#Brexit Sie sollten ihr #BildungsbÃ¼rgertum Ã¼berdenken, wenn sie wie ein #Idiot (https://t.co/t8cZaReVCn) plappern https://t.co/FK0REzf7cd	23 Jun 2016, 20:37 - CEST	island	0	negative
imtiaz_sami	RT @sardesairajdeep: When I hear the 'Britain first' anti migrant rhetoric of the Brexit brigade, wonder if patriotism is last refuge of haâ€¦	23 Jun 2016, 20:37 - CEST	31Â°14' 29 N, 77Â°2'1 2 E	183	neutral
pure_singh	RT @golub: 'Brexit' to be followed by Grexit. Departugal. Italeave. Fruckoff. Czechout. Oustria. Finish. Slovakout. Latervia. Byegium.	23 Jun 2016, 20:37 - CEST	Ludhian a, India	4534	positive
JulieMontoy a20	Just voted in #EUreferendum. Goodbye freedom, low prices, human rights; hello uncertainty. At least I will know I did not vote for #Brexit.	23 Jun 2016, 20:37 - CEST		0	negative
pjv1968	@omnescontra1 @ZilteBotte Bij #Risk is het ook het moeilijkste continent om te veroveren en te houden. #EU #Brexit	23 Jun 2016, 20:37 - CEST		0	negative
lukegreen71	RT @ralphallwood: Britain is too great to vote for Brexit! Check out the important opinion piece by @Avaaz ED Ricken Patel: https://t.co/3fâ€¦	23 Jun 2016, 20:37 - CEST	London and Notting hamshir e	1	positive
TomLefek	It is going to be long long night... #Brexit #ForexTrade #Sterling #GBPUSD #InOrOut	23 Jun 2016, 20:37 - CEST	England	0	negative
ArnoLeblanc	Matt is Brit en studeert in Nederland. Hij denkt dat een #Brexit voor veel problemen zorgt voor hem. https://t.co/abKBkJ7W8D #nosop3	23 Jun 2016, 20:37 - CEST	Hilversu m	0	negative
menzaghich risti	RT @LigueParis: .@MCVergiat et @CR_SOLIDAR dÃ©construisent le discours mÃ©diatique sur le #Brexit #150ansLigue https://t.co/H13DsWw1Vo	23 Jun 2016, 20:54 - CEST		1	negative
_ignaciomol ina	RT @rielcano: Â¿Y si gana el â€œBrexitâ€• en el referÃ©ndum? @_ignaciomolina escribe sobre el complejo proceso de negociaciÃ³n https://t.co/2UNivNâ€¦	23 Jun 2016, 20:54 - CEST	Spain	1	neutral
StevePerson ally	RT @Dakeb_MCFC: Even if the govt wanted to rescue the UK steel industry it can't. EU rules prevent state aid. #Brexit #IVotedLeave	23 Jun 2016, 20:54 - CEST	United Kingdo m	46	positive
RealNinjetta	@Patriotic_Me #Merkel is one evil person and Google isn't much better We are being controlled #Brexit #EUreferendum https://t.co/enK1CO5eqg	23 Jun 2016, 20:54 - CEST	AMERIC A	0	negative
jackthelad3 47	Daily Stormer: Brexit: Jo Coxâ€™ Death was Not a Tragedy and the World is a Better Place Without Her. https://t.co/1gzWhjCW5K Too True.	23 Jun 2016, 20:54 - CEST	Hell	0	positive
larsbecker	#brexit? Bei der @JEF_de und Policy Lab im Plan B an der @Leuphana_Uni. Die @NDRReporter sind auch gerade eingetroffen.	23 Jun 2016, 20:54 - CEST	Europe	0	neutral

christophercpa2	Come on #Britain make history and become self governing #Brexit	23 Jun 2016, 20:54 - CEST	The Hammer	0	neutral
Think_Blue_Sky	@TeessideWoes @FarndonDavid @GoldmanSachs Personally I would rather live in a worldwide street than a Euro culdesac #Brexit	23 Jun 2016, 20:54 - CEST	London	0	neutral
Coronach68E	I #VoteIn for the #Brexit #EURef vote with @Brndstr & unlocked my own Flag Profile pic! What will you vote? #ivoted https://t.co/pHF4cz7E3M	23 Jun 2016, 20:54 - CEST	Wrong side of the Solway	0	positive
MichaelWhite	@MakeVotesMatter On contrary , I merely correct naive PR errors of others, we have enough panacea politics for one day with Brexit	23 Jun 2016, 20:54 - CEST	UK	0	negative
jameskirkup	Last thought before disco nap: wrote this in March. Standing by it now: Remain wins, Cameron loses. https://t.co/Su6qS7tYbo	23 Jun 2016, 20:54 - CEST	London	0	negative
BenBridgway	I #VoteOut for the #Brexit #EURef vote with @Brndstr & unlocked my own Flag Profile pic! What will you vote? #ivoted https://t.co/30MMeplxaG	23 Jun 2016, 20:54 - CEST		0	positive
JobsterPoerst	RT @mkopNY: Let us be clear: #BREXIT is now a certainty, heavy rain all day tdy in #London favors the fevered, that is Brexiters https://t.â€¦	23 Jun 2016, 20:54 - CEST	New York	4	negative
talkbackny	RT @paleofuture: Brexit exit polls, probably Wut: 37% You havin a laff: 29% Oi mate: 71% Chim chimney chim chimney chim chim cheroo: 94%	23 Jun 2016, 20:54 - CEST	NYC	67	negative
CristinaAlessi1	RT @limesonline: Le universitÃ britanniche sono vs #Brexit Non solo x questione di principio https://t.co/jf8jNckFhU @EmiBarbiroglio https:â€¦	23 Jun 2016, 20:54 - CEST		14	neutral
beoxman	RT @beoxman: Â¿Apoyas el Brexit? #encuesta #Brexit #BrexitOrNot #uk	23 Jun 2016, 20:54 - CEST	Mi casa â‡„ resto del mundo.	1	neutral
HiConstantino	RT @Snowden: No matter the outcome, #Brexit polls demonstrate how quickly half of any population can be convinced to vote against itself. Qâ€¦	23 Jun 2016, 20:54 - CEST	GDL	5706	neutral
JonMelling1	RT @GrahamSmith_: Absolutely. Next referendum should be on the monarchy. https://t.co/dd7irj1vJS	23 Jun 2016, 20:54 - CEST	York	24	positive
BtzMedina	RT @DailyMirror: Brexit the horse ran at Newbury today but where did it finish? https://t.co/EibU4i8e86 https://t.co/Xekjy5zjfN	23 Jun 2016, 21:11 - CEST		5	negative
ghe4m	RT @HonourCovenant: #DavidCameron warns #Brits that their #Offshore #Panama #Inheritances will be at risk if they #VoteLeave #Brexit htâ€¦	23 Jun 2016, 21:11 - CEST		15	positive

emrachy	RT @WilfredFrost: What could follow Brexit? Italeave. Czechout. Oustria. Finish. Slovakout. Latervia. Byegium. Or my personal favourite Dâ€¦	23 Jun 2016, 21:11 - CEST		839	positive
bolsamania	RT @madrid_almu: El Brexit se desinfla: las apuestas por la permanencia se disparan al 84% https://t.co/fODEyAU58Y vÃa @Bolsamania	23 Jun 2016, 21:11 - CEST	Madrid	1	negative
DuncanOleary	Nice @JohnRentoul piece looking at who the Remain and Leave voters are https://t.co/crP4InOusv	23 Jun 2016, 21:11 - CEST		0	positive
RosyKnight	RT @DavidJo52951945: Gigantic turnout of Labour voters in Northern England voting for leave https://t.co/OimMxv6jvO	23 Jun 2016, 21:11 - CEST	Yorkshire	73	positive
DunnyLFC_	I #VoteIn for the #Brexit #EURef vote with @Brndstr & unlocked my own Flag Profile pic! What will you vote? #ivoted https://t.co/yyOk5cwIKd	23 Jun 2016, 21:11 - CEST	fuck off x	0	positive
alysamartin_	Well if #Brexit happens and their economy crashes I'm hoping to get some cheap vacations out of the deal	23 Jun 2016, 21:11 - CEST	Hamburg, NY & Findlay, OH	0	negative
murray_33	RT @OnlineMagazin: â€¼Take 1 min. & 3 seconds: Europe is a war zone, the EU has nothing under control. Woman among savage. #Brexit now! httpâ€¦	23 Jun 2016, 21:11 - CEST		234	negative
CurlyMoustache1	RT @LudwigBollaerts: "For Â£ 100.000 I hold any sign" #brexit #bremain #socialism https://t.co/ZVXHYNFEGW	23 Jun 2016, 21:11 - CEST	Antwerp, Vlaanderen-Flanders	2	negative
Natt	@VienneseStrudel Yes, I thought I'd see what it was like in the dark heart of Brexit, but there's just a pall of despair everywhere.	23 Jun 2016, 21:11 - CEST	Redhill, Surrey	0	negative
gollyboys	RT @WSJ: Sterling soars after â€˜Brexitâ€™ poll shows preference to stay in EU https://t.co/uP2JKJOTLo https://t.co/hN6g345G79	23 Jun 2016, 21:11 - CEST		96	positive
AGreekCitizen	Î“Î¹Î± Î½Î¿Î¸Î¸Î¼Î¿Î± Î¼Î¼ Ï„Î· Î²Î¿Î®Î¸Î¼Î¹Î± Ï„Î·Ï‚ MI5 Î¤Î¬Î¿Î¼Î¿ Î»ÎŒÎ³Î¿ Î¿Î¹ Ï…Ï€Î¿Î¹ Ï„Î·Ï‚ Brexit: Î£Î²Î®Î½Î¿Ï…Î½ Ï„Î¹Ï‚, Ï^Î®Ï†Î¿Ï…Ï‚ Î¤Î±Î¹ Ï„Î¹Ï‚, Î±Î»Î¬Î¾Î¿Ï…Î½..... https://t.co/0BQJvBr69Q	23 Jun 2016, 21:11 - CEST		0	neutral
ADOREMADZ	I #VoteIn for the #Brexit #EURef vote with @Brndstr & unlocked my own Flag Profile pic! What will you vote? #ivoted https://t.co/H4JJEdu8Qp	23 Jun 2016, 21:11 - CEST	georgie & tuesday	0	positive
FamieRednap	@toadmeister @vote_leave Well done Toby,your on my one to watch out for in the future list #brexit #VoteLeave	23 Jun 2016, 21:11 - CEST	London, England	0	positive
malazihernadla	kod mene na twitteru #Brexit ne trenduje . ma sve nas zabole :)	23 Jun 2016, 21:11 - CEST	ThÃ¼ringen, Deutschland	0	positive
MSL2769	RT @MoneyWeek: Bernard Connolly: why George Soros is wrong about Brexit and the pound https://t.co/vmx6DIw4IZ https://t.co/WQb1EADIpE	23 Jun 2016, 21:11 - CEST	50.1065, -5.5551	2	negative

EwanLawry	@DavidJo52951945 @LouiseMensch Don't forget, Ken Livingstone will emigrate if we #Brexit	23 Jun 2016, 21:11 - CEST	Birmingham, England	0	negative
william_whyte	If my road is representative, there won't be any votes for #brexit. Then again, this is North Oxford. We voted for AV in the last one.	23 Jun 2016, 21:11 - CEST	Oxford, UK	0	negative
emmstoen	RT @Zziagenio78: Studio Aperto consiglia all'Inghilterra di non uscire dall'Europa nelle ore piÃ¹ calde, bere molta acqua e mangiare tanta fâ€¦	23 Jun 2016, 21:11 - CEST	pluto	361	positive
CouncillorEd	RT @NicholasPegg: â€™Twas Brexit, and the slithy Goves Did lie and grumble in the Mail, All Menschy were the Boris droves, And Nigel Farage iâ€¦	23 Jun 2016, 21:28 - CEST	Holywell, Wales United Kingdom	11	negative
50106019HIST	RT @FT: From the archive: Here's why Americans are so alarmed by the Brexit vote https://t.co/g6BlstyfFT https://t.co/snNXuwtL9Q	23 Jun 2016, 21:28 - CEST	Liverpool	21	negative
Efecto_Gamonal	RT @wikileaks: LIVE NOW: The #BrexitClub with #Assange, MIA, Varoufakis & others discussing UK referendum to leave the EU https://t.co/LVU0â€¦	23 Jun 2016, 21:28 - CEST	Gamonal Neighbourhood	48	positive
Farazzle92	I #VoteIn for the #Brexit #EURef vote with @Brndstr & unlocked my own Flag Profile pic! What will you vote? #ivoted https://t.co/pYY5oYPhBq	23 Jun 2016, 21:28 - CEST	Nottingham, England	0	positive
TheGrahamF	@timothydclark should've said Brexit polls!hahagaha oh god please don't leave the EU :(	23 Jun 2016, 21:28 - CEST		0	positive
krisrow09	https://t.co/yV0sMVxTaM I mean, you have my attention, Brexit.	23 Jun 2016, 21:28 - CEST	Omaha, NE	0	negative
Indysco500	@McFc_Winners @beckymparry seriously I don't think I can lose, remain I'll be happy, brexit and we get indy so even better 1/2	23 Jun 2016, 21:28 - CEST	Scotland	0	negative
bogdy_tinna	RT @FrDesouche: Comme pour l'Autriche, BFM ne fait des reportages sur le #brexit que dans les quartiers chics ou immigrÃ©s	23 Jun 2016, 21:28 - CEST	Paris, France	60	negative
hsandeman	RT @toadmeister: Just been knocking up on a council estate in Hammersmith. Leave outnumbered Remain by 20:1 #Brexit https://t.co/SFnC1efWgv	23 Jun 2016, 21:28 - CEST	Hampshire UK	100	negative
WIRED	Brexit backers are forgetting that the internet erases borders: https://t.co/g8jPUcl05B https://t.co/jprx7SDk3V	23 Jun 2016, 21:28 - CEST	San Francisco/New York	2	negative
PMN81	RT @amirsadjady: Remain camp says there's no post #brexit economic plan, what's "their plan" when the last ounce of UK sovereignty is diminâ€¦	23 Jun 2016, 21:28 - CEST	Redditch, Worcs	77	negative
jonathan_repp	RT @thedragonschool: Dragons held their own #debate today #EUref #InOrOut #Remain won, stealing 3 votes from their opposing Brexit team! hâ€¦	23 Jun 2016, 21:28 - CEST	Here, there and everywhere	1	negative

CancunVaConMau	Peso sin efectos por Brexit; dÃ³lar baja mÃ¡s de 20 centavos y cotiza en 18.30 https://t.co/xBBUXYlrJs	23 Jun 2016, 21:28 - CEST		0	negative
EgemenKY	RT @AlnusFX: Dr. K. DaÄŸhan GÃ¶kÃ§e canlÄ± yayÄ±nda Brexit'i deÄŸerlendiriyor. 24/06/2016 saat 01:00 https://t.co/rgacecJl8q https://t.co/Ntkâ€¦	23 Jun 2016, 21:28 - CEST	Ä°stanbul	1	neutral
NewsPuppet	These are people stranded by extreme weather on Brexit day, who are likely not going to be able to vote. https://t.co/uBldzVK1pY	23 Jun 2016, 21:28 - CEST	San Diego, CA	0	negative
PropertyHelping	RT @Dorian_Belvoir: Buytolet mortgage rates fall on Brexit fears and stamp duty hangover https://t.co/c4HHZFBtJ4 #mortgage #property	23 Jun 2016, 21:28 - CEST		3	negative
KushRatna	RT @CNN: What would a #Brexit mean for you? Our guide: https://t.co/e2zBtTQQYm #EUref https://t.co/olxKFUHneH	23 Jun 2016, 21:28 - CEST	KENYAFRICA	85	negative
1Flow	I #VoteIn for the #Brexit #EURef vote with @Brndstr & unlocked my own Flag Profile pic! What will you vote? #ivoted https://t.co/QEzMJdTAWM	23 Jun 2016, 21:28 - CEST		0	positive
nufcno1fan	RT @MikeHookemMEP: BREXIT BOOT: Ten of UKâ€™s most distinguished retired military officers call for Leave vote https://t.co/yi26B0tkDS	23 Jun 2016, 21:28 - CEST	Newcastle/Gateshead	40	positive
ellisaddick	RT @igeldard: LEAVE before the EU manages to create its own armed forces #VoteLeave and #Brexit in the #EUreferendum https://t.co/IhLid1EFta	23 Jun 2016, 21:28 - CEST	Mottingham	10	positive
markdmortimer	I #VoteOut for the #Brexit #EURef vote with @Brndstr & unlocked my own Flag Profile pic! What will you vote? #ivoted https://t.co/mnAAbNBh13	23 Jun 2016, 21:45 - CEST	leeds	0	positive
SarwarDeSoto	RT @Truce_JTTM: Older people of #Britain, please don't ruin our future on Thursday. The majority of the younger people want to stay. #voteâ€¦	23 Jun 2016, 21:45 - CEST	Derby, England	13	negative
6byNine	RT @NicholasPegg: â€™Twas Brexit, and the slithy Goves Did lie and grumble in the Mail, All Menschy were the Boris droves, And Nigel Farage iâ€¦	23 Jun 2016, 21:45 - CEST	England	123	negative
pang5	RT @ianbremmer: Stop calling it 'Euroskepticism.â€™ Itâ€™s really â€˜Eurohostilityâ€™â€”and itâ€™s not going away. My latest for @Time. https://t.co/5xâ€¦	23 Jun 2016, 21:45 - CEST	Tehran	60	negative
HelenB_Scape	RT @ScapeCEO: With the #EUref finally upon us Victoria Brambini discusses how a #Brexit could affect the #publicsector @psenews https://t.câ€¦	23 Jun 2016, 21:45 - CEST	Nottingham, England	5	negative
ANDREAZANETTIN	RT @franzrusso: #Brexit dall'analisi dei tweet nelle ultime 24 ore #Remain prevale su #Leave by @blueclaw #socialmedia #politics https://tâ€¦	23 Jun 2016, 21:45 - CEST		17	negative
gmcstockpicks	RT @moneymorning: How a #Brexit today could mean a @realDonaldTrump presidency tomorrow: https://t.co/0QyyHvsu9X	23 Jun 2016, 21:45 - CEST	Houston, Texas	1	negative

olympius23	RT @LouDobbs: Why Would Brexit Not Pass? Video shows 'woman tourist' attacked by mob in Paris https://t.co/kYJ2cEnm3o via @MailOnline #Amerâ€¦	23 Jun 2016, 21:45 - CEST		213	negative
oscaron	So. Are there any #brexit results so far?	23 Jun 2016, 21:45 - CEST	Galactic Sector ZZ9 Plural Z A	0	negative
RuggAlan	RT @Dwalingen: VOTE! Don't stay home. Don't think the battle is won. Vote & celebrate UK Independence Day. #Brexit #VoteLeave #EU https://tâ€¦	23 Jun 2016, 21:45 - CEST		42	positive
NikolausVonMyra	RT @GideonBoess: Wer fÃ¼r #Brexit ist,will wieder die Weltmeere beherrschen.Danke, @heutejournal,jetzt weiÃŸ ich Bescheid. Dachte schon, es wâ€¦	23 Jun 2016, 21:45 - CEST		93	neutral
lvphillies08	RT @CodeAud: What at stake with #Brexit? How #Brexit is important for the future of #Europe ? https://t.co/sO34Lm4vfe	23 Jun 2016, 21:45 - CEST	LAS VEGASLAND	10	positive
kristenbgrant	RT @willrahn: For all those following #Brexit today, here's a quick and easy guide to the British class system. https://t.co/TLeCrRMTVd	23 Jun 2016, 21:45 - CEST		368	positive
Viterbiensis	@owenjbennett Good man Owen. BREXIT all the way.	23 Jun 2016, 21:45 - CEST	Viterbo	0	positive
crmazu	RT @pictoline: La Batalla del Brexit ha comenzado: Reino Unido estÃ¡ votando si se va o se queda en la UniÃ³n Europea https://t.co/AudmrcOx20	23 Jun 2016, 21:45 - CEST	Tegucigalpa, Honduras	1427	neutral
NVJRobins1	RT @Avaaz: Just 1.5 hours left to go vote! We are stronger together. Choose Love #VoteRemain #EUref #Brexit #referendum https://t.co/2akâ€¦	23 Jun 2016, 21:45 - CEST	London	22	negative
zamamiyagarei	RT @Reuters_co_jp: è‹±å›½ã®æ®‹ç•™æ”¯æŒ52ã€ã‚é›‹è„±æ”¯æŒ48ã,¤ãƒ—ã,½ã,¹ãƒ¢ãƒªèª¿æŸ» https://t.co/AbGwflR69h	23 Jun 2016, 21:45 - CEST	ãº‹å‹™ æ‰€é–‹ ‹è¨- ï¼•æ•± ãº¬éƒ½ã ¸ å¤®åŒº å…œç”º	283	neutral
Jesus__Princess	@vote_leave @LeaveEUOfficial 800 Machines IGNORED CROSS Symbols Ballots #Brexit Computers Only Counted Remain Votes https://t.co/1wBgx45gOt	23 Jun 2016, 21:45 - CEST		0	negative
beautybythebun	I #VoteIn for the #Brexit #EURef vote with @Brndstr & unlocked my own Flag Profile pic! What will you vote? #ivoted https://t.co/DIdyg8DDiV	23 Jun 2016, 21:45 - CEST	Blackburn, England	0	positive
Mirrorart4uMala	EXCLUSIVE: Record Turnout Of Working Class Voters Revives Brexit Hopes https://t.co/al9Fa4uZcC	23 Jun 2016, 22:02 - CEST		0	positive
colingreen42	I #VoteIn for the #Brexit #EURef vote with @Brndstr & unlocked my own Flag Profile pic! What will you vote? #ivoted https://t.co/quFHnblWSq	23 Jun 2016, 22:02 - CEST	sheffield	0	positive

45rosalies	RT @KinaRestall: Another vote cast for democracy, hope & freedom âœ– #LeaveEU #Brexit #VoteLeave https://t.co/lth6mhCmC0	23 Jun 2016, 22:02 - CEST		131	positive
sirfofodot	RT @Independent: #dogsatpollingstations is back https://t.co/ygRdXrcx66 https://t.co/njyKdtIlgO	23 Jun 2016, 22:02 - CEST		134	neutral
deivida90277695	RT @eggpickled: #EU #Brexit #Leave https://t.co/XGgbAl3ZZo	23 Jun 2016, 22:02 - CEST		84	positive
electo_mania	Casi 46 millones y medio de britÃ¡nicos llamados a las urnas #brexit	23 Jun 2016, 22:02 - CEST		0	negative
xeniaalexia	Europe Union referendum: final hours of historic Brexit poll â€“ live https://t.co/jnpc3YJkhc	23 Jun 2016, 22:02 - CEST	Greece, Attica	0	neutral
MKwadyo	Brexit Backers Are Forgetting the Internet Erases Borders #afrogeek https://t.co/ONPPRWbhNJ	23 Jun 2016, 22:02 - CEST	Cote d'Ivoire	0	negative
MadchesterManc	A lot of generalisation going on regarding folks political persuasion during this #Brexit referendum. I mean, I'm a lefty and #IVotedLeave	23 Jun 2016, 22:02 - CEST	Bolton, England	0	positive
Rothchildhater	RT @JohnnyVedmore: #Remain in the EU and let sleeping dogs lay. #Brexit #VoteStay #VoteRemain #VoteLeave #EUref #StrongerIn https://t.co/vâ€¦	23 Jun 2016, 22:02 - CEST	Brockworth, England	9	positive
Paolodipinto	#maratonamentana #brexit #economisti #politici non capite un cazzo solo fiato #sprecato e purtroppo #superpagato	23 Jun 2016, 22:02 - CEST	italia	0	negative
jmsrobertson	RT @z_mississippi: Karl Rove has just called the #Brexit vote for Ohio	23 Jun 2016, 22:02 - CEST	Ridgeland MS	1	negative
OrlandoMilian9	RT @latelateshow: Ahead of Thursday's #Brexit vote, James expresses his support for the United Kingdom to remain in the EU. https://t.co/4Fâ€¦	23 Jun 2016, 22:02 - CEST	Florida, USA	146	negative
twilightbarkuk	RT @dotty4paws: Poppy voted biscuit not #Brexit! #dogsatpollingstations #EUref #EUreferendum #dogsoftwitter https://t.co/JDYg53wOzg	23 Jun 2016, 22:02 - CEST		2	neutral
sw1ayfe	Standing in the queue by 10pm YOU WILL GET TO VOTE. Your #EUref vote WILL COUNT. You can do this. We can do this. #brexit #remain	23 Jun 2016, 22:02 - CEST	London	0	negative
IBishil	No One to Trust: the Anger That Connects Brexit, Trump, Le Pen Bloomberg Politics https://t.co/qHIfuTGt6p	23 Jun 2016, 22:02 - CEST	Paris	0	negative
LondonBC	Polls close in just over an hour. Here's our whattowatch guide to #Brexit night. https://t.co/Gtu1AHwfVL via @business #EUref	23 Jun 2016, 22:02 - CEST		0	negative
sprakpunkten	#DI LÃ¥ng tid och hÃ¥rda fÃ¶rhandlingar fÃ¶re en brexit: Vad blir nÃ¤sta steg om Storbritannien rÃ¶star fÃ¶r att lÃ¤m... https://t.co/oiOF9fs26z	23 Jun 2016, 22:02 - CEST	Sverige	0	neutral
NoToSeparatism	The environment, public services & workers' rights are at risk from Brexit fascists. #VoteRemain #Remain #StrongerIN https://t.co/YuZVUhQfJ3	23 Jun 2016, 22:02 - CEST	Britain, Europe, Earth	0	negative
JohnG500	RT @FoxBusiness: Does Queen Elizabeth want the UK to stay or leave? https://t.co/AKO4aj74Lf #Brexit	23 Jun 2016, 22:02 - CEST	Charlotte, NC	2	positive

bryan_brbennett	RT @Dwalingen: VOTE! Don't stay home. Don't think the battle is won. Vote & celebrate UK Independence Day. #Brexit #VoteLeave #EU https://tâ€¦	23 Jun 2016, 22:19 - CEST	Breatain n MhÃ²r	64	positive
thekateyouknow	RT @XplodingUnicorn: Dear Britain, This Brexit vote is all wrong If you want to leave the EU, dump some tea in the harbor and fight a warâ€¦	23 Jun 2016, 22:19 - CEST	Brooklyn, NY	114	positive
Churchynet	RT @NicholasPegg: â€™Twas Brexit, and the slithy Goves Did lie and grumble in the Mail, All Menschy were the Boris droves, And Nigel Farage iâ€¦	23 Jun 2016, 22:19 - CEST	Sydney	830	negative
DenisClenvot	RT @Pat_Riot_72: Sortir de quoi au juste? Le UK n'est ni dans la zone Euro, ni dans l'espace Schengen. ^^ #Brexit	23 Jun 2016, 22:19 - CEST		1	negative
Alcodex	RT @golub: 'Brexit' to be followed by Grexit. Departugal. Italeave. Fruckoff. Czechout. Oustria. Finish. Slovakout. Latervia. Byegium.	23 Jun 2016, 22:19 - CEST	U daljini, u dalekoj divljini	5253	positive
aass281564	RT @CNNMoney: Everything you need to know about UK immigration https://t.co/7GaYlllovO Via @AlannaPetroff #EURef https://t.co/lqc5v49Auq	23 Jun 2016, 22:19 - CEST	Ø§Ù„Ùƒ Ùˆ ÙŠØª	11	neutral
carsua6	RT @elcomercio: Te explicamos quÃ© es el #Brexit y cÃ³mo puede afectar a Reino Unido y a Europa en 3 minutos â–º https://t.co/53EOU5LVC1 https:â€¦	23 Jun 2016, 22:19 - CEST	argentina	9	neutral
AngieCurwen1	RT @Laura_Sandys: Think of future generations and the mess that they will have to pick up if we #Brexit vote remain @StrongerIn https://t.câ€¦	23 Jun 2016, 22:19 - CEST		60	negative
MariaADeVoe	RT @jeepgirl77: Dear UK, For all our sakes, I hope you vote #RemainINEU during the #Brexit voting. Sincerely, One of those colony kids	23 Jun 2016, 22:19 - CEST	where in the world?	1	negative
Rayonegro00	RT @felatriz88ATV: Los de Gibraltar estÃ¡n acojonados con el brexit, a ver quiÃ©n los enseÃ±a a ellos ahora a hablar inglÃ©s...	23 Jun 2016, 22:19 - CEST		1	positive
rillkon	RT @XplodingUnicorn: Dear Britain, This Brexit vote is all wrong If you want to leave the EU, dump some tea in the harbor and fight a warâ€¦	23 Jun 2016, 22:19 - CEST	Ð Ð¾Ñ• Ñ•Ð¸Ñ•	114	positive

BicMallary	RT @XplodingUnicorn: Dear Britain, This Brexit vote is all wrong If you want to leave the EU, dump some tea in the harbor and fight a warâ€¦	23 Jun 2016, 22:19 - CEST	Kentucky, USA	114	positive
eisengeheul	RT @XplodingUnicorn: Dear Britain, This Brexit vote is all wrong If you want to leave the EU, dump some tea in the harbor and fight a warâ€¦	23 Jun 2016, 22:19 - CEST	hi.mi.tsu.	114	positive
Daniele39260567	"I mercati sembrano dire no al Brexit. Ma non confondiamo la palla di neve con la valanga" https://t.co/blDuKflomc #economia #feedly	23 Jun 2016, 22:19 - CEST		0	negative
ZenMonkey	Adorable. Crossing my fingers for you, my friends. #Brexit https://t.co/A7PkcwX3GY	23 Jun 2016, 22:19 - CEST	California	0	positive
jpankow	Why is it taking so long to learn the results of the #Brexit vote? If this were the US, the AP would have already called it yesterday.	23 Jun 2016, 22:19 - CEST	Seattle	0	negative
julianbrowne	RT @Snowden: No matter the outcome, #Brexit polls demonstrate how quickly half of any population can be convinced to vote against itself. Qâ€¦	23 Jun 2016, 22:19 - CEST	Wokingham, UK	6354	neutral
JP_Stich	RT @nadrosia: Eltern Insider â†“ #brexit https://t.co/4hYGco8L1p	23 Jun 2016, 22:19 - CEST		2	negative
squadrat	Dieser massive VermÃ¶genstransfer, der heute innerhalb einer Nacht stattfindet, bekommt viel zu wenig Aufmerksamkeit. #zib2 #brexit	23 Jun 2016, 22:19 - CEST	Vienna, Austria	0	negative
Schepizza	I hope I get a cnn notification at 2 AM that's like "BREXIT OCCURING!!!" And then I feel the earth rumble.	23 Jun 2016, 22:19 - CEST	New York	0	negative
FinanciaOnline	RT @ReutersBiz: Here's everything you need to know about Brexit. https://t.co/tCEwq90f25 https://t.co/om9XcmPvRL	23 Jun 2016, 22:37 - CEST	London, England	5	neutral
ExpatSyndicate	UK expats debate Brexit vote from Saskatoon: As Britain prepares to vote in the historic Brexit refere... https://t.co/ifMMhPvQev #Expat	23 Jun 2016, 22:37 - CEST		0	neutral
JoannaInTexas	I see Brits getting upset with Americans for voicing opinions on #Brexit That's fine, but should you not likewise stay out of US politics?	23 Jun 2016, 22:37 - CEST	Dallas, Texas	0	negative
arxidobehs	RT @stefen61: Î'Î½ ÎÎ²Î»Îµï€Î±Î½ Î±ï…ï„Î¬ ï„Î¬ï„+ï„Î»Î¯ï„ï€Î± ïƒï„Î· Î'ï¿½Îµï„Î±Î½Î¯Î± Î¼Îï‡Î¹ï€Î¿ï„Î¿ï„Î¿ï„ï€Î¿ï„ï„ï€Î¿ï„ï„ï€Î¿ï„

chiefychieftion	RT @nypost: "Game of Thrones" fans should think twice before supporting #Brexit https://t.co/QFPwSORCgH	23 Jun 2016, 22:37 - CEST		23	neutral
Danbo12	I #VoteIn for the #Brexit #EURef vote with @Brndstr & unlocked my own Flag Profile pic! What will you vote? #ivoted https://t.co/PQXjWAwb9Z	23 Jun 2016, 22:37 - CEST	Essex/London, United Kingdom.	0	positive
rikkisawhney	[bnet] U.S stocks rally as U.K. votes on Brexit: 230point leap lifts Dow industrials back above 18,000, firs... https://t.co/GrGPkJQCTJ	23 Jun 2016, 22:37 - CEST		0	neutral
ScouseJones1	Good night BritainIt was nice while it lasted!! I suppose I will wake up as an #eu citizen #RIP #LeaveEU #Brexit #FuckCameron	23 Jun 2016, 22:37 - CEST		0	positive
MAGA_PoEc	RT @nhk_news: ã€ãƒ©ã,¤ãƒ–ãƒ–ãƒ°ã,¤ã,®ãƒªã,¹å›½æ°‘æŠ•ç¥¨ã€‘æ—¥ã®ãƒ¨ãƒ¼ãƒƒãƒ–ãƒ‘ã•ªæ ªå¼å¸‚ã§ã¯ã¯ã¯

KeralaGuy77	@michaelsantoli if #brexit wins buy any massive dip and sell rips. If #Brexit loses, buy dips if it happens or chase also :)	23 Jun 2016, 22:37 - CEST		0	negative
djdom1uk	7 signs that Brexit is really happening https://t.co/maf0973ZZy via @POLITICOEurope #Brexit #LeaveEU #IndependanceDay #VoteLeave	23 Jun 2016, 22:37 - CEST	England	0	positive
Digi24_HD	BREXIT | Emil Hurezeanu, despre consecinÈ›ele referendumului din Marea Britanie https://t.co/7E9or6kJ0y	23 Jun 2016, 22:54 - CEST	RomÃ¢nia	0	negative
last_hussar	Me leaving the polling station #Brexit #EUref #Remain https://t.co/VH0TxyVsvd	23 Jun 2016, 22:54 - CEST	United Kingdom	0	negative
valentindignoes	RT @golub: 'Brexit' to be followed by Grexit. Departugal. Italeave. Fruckoff. Czechout. Oustria. Finish. Slovakout. Latervia. Byegium.	23 Jun 2016, 22:54 - CEST	Vienna, Austria	5494	positive
yoyen	7 menit lagi bilik suara tutup untuk #brexit	23 Jun 2016, 22:54 - CEST	Nederland	0	negative
daveb700	#brexit Mania! https://t.co/7U03uOTDVK	23 Jun 2016, 22:54 - CEST	Emmaus, PA	0	negative
aleuru510	RT @EspuelasVox: Good info to understand this #Brexit mess. https://t.co/afyE6MELys	23 Jun 2016, 22:54 - CEST	Fort Worth,TX	16	negative
FOX10Phoenix	RT @FoxBusiness: What impact, if any, will the #Brexit vote have on the U.S. economy? https://t.co/nbnakeHjQb	23 Jun 2016, 22:54 - CEST	Phoenix, AZ	3	neutral
Sr_GaliMatias	@MonumentalCR Â¿QuÃ© le sirve al mundo? Los de la "campaÃ±a del miedo" dicen que los mercados financieros pueden resfriarse si gana el BREXIT.	23 Jun 2016, 22:54 - CEST		0	negative
vfczyzheljkma20	RT @KKKukushkin: ÐŸÑ€Ð¸Ð±Ð»Ð¸Ð·Ð¹ Ñ‡Ð°Ñ• Ð¾Ð³Ð¾Ð»Ð¾Ñˆ ÐµÐ½Ð½Ñ• Ñ€ÐµÐ·ÑƒÐ»Ñ‬Ñ‚Ð°Ñ‚Ñ–Ð² #brexit 5 Ñ€Ð°Ð½ÐºÑƒÐ·Ð° ÐºÐ¸Ñ—Ð²Ñ‰ÑŒÐºÐ¸Ð¼	23 Jun 2016, 22:54 - CEST		5	neutral
i_vamshi	Brexit or Bremain: Oil, Gold & FX Trades May See Vastly Different ShortTerm Plays https://t.co/4aHxRm2qAC https://t.co/Qb3l9rZWOt	23 Jun 2016, 22:54 - CEST	Online!	0	negative
DateDarte	La Brexit fa paura: l'incertezza ha dominato l'asta impressionista da Christie's a Londra https://t.co/PmrmMwpOZc	23 Jun 2016, 22:54 - CEST	Italia	0	positive
huckhaas	Hat eigentlich jetzt jeder der groÃŸen Klassensprechertwitterer was Pfiffiges zum #Brexit gebracht oder wird da noch gebrÃ¼tet?	23 Jun 2016, 22:54 - CEST	Wiesbaden	0	positive
CedricLng	RT @Leave4Vote: #IVotedLeave #IVotedLeave THERE HAS BEEN A NEW OFFICIAL PREDICTION 'It appears Brexit have taken a storming lead againsâ€¦	23 Jun 2016, 22:54 - CEST	Never Lose Hope âœˆï¸• France (60)	1	positive
eriklevert	Brexit polls close in six minutes. Wild times.	23 Jun 2016, 22:54 - CEST	Fort Worth, TX, USA	0	negative

ilovedyoufirsty	@NiallOfficial what do you think about #brexit ?	23 Jun 2016, 22:54 - CEST		0	neutral
xXxDOWNERxXx	Die Britten, ja. Aber das Vereinigte KÃ¶nigreich (#UK) stimmt ab, nicht GroÃŸbritanien (#GB). Unterschied. Fakt! âˆš #BREXIT #zdf #daserste	23 Jun 2016, 22:54 - CEST	Germany, MAINZ	0	positive
HarryWoodley_	RT @lordcameron_: timeline has gone from brexit to ian connor 0100	23 Jun 2016, 22:54 - CEST	Ã¶zil and payet enthusiast	1	negative
ManuelaKC	RT @LaszczakClaudia: Less than two hours to go. In Camden Town most people vote REMAIN! #EUref #Brexit @dw_business https://t.co/oja0BbErO7	23 Jun 2016, 22:54 - CEST	Berlin, Germany	3	negative
QbanKendy	RT @WSJ: Follow our live coverage as the U.K. votes on whether to make a Brexit from the EU. https://t.co/bTT9VuBia2 https://t.co/Q6FMzT4Yos	23 Jun 2016, 22:54 - CEST	NEW YORK USA	59	neutral
Headspanner	RT @NicholasPegg: â€™Twas Brexit, and the slithy Goves Did lie and grumble in the Mail, All Menschy were the Boris droves, And Nigel Farage iâ€¦	23 Jun 2016, 22:54 - CEST		1144	negative

From: Ens, Amanda[redacted]
Sent: 12/9/2016 3:46:19 PM
To: jeffrey E. [jeevacation@gmail.com]; Rich Kahn[redacted]
Subject: RE: Financials: buy XLF call spreads
Attachments: image001.png

Importance: High

We continue to see further upside in financials.

- Erika Najarian, BAML financials research analyst, just returned from a marketing trip. Bottom line: North American investors are very bullish the banks (long only AND hedge funds AND macro funds), but then conclude "I don't own enough". Note that high touch flows have slowed down significantly since Thanksgiving and where the buying has been concentrated in XLF (every client sector we have has been a better buyer of XLF).
- Client focus:

1) Regulation: Excitement, with the base case that it's not getting worse.
2) Sentiment on rates: Cautiously bullish
3) Sentiment on growth: Also bullish
4) Sentiment on corporate tax rate cuts: buyside more bullish than sellside. In 1986, bank stocks exploded upward (outperforming the S&P) after Reagan's tax reform bill passed the Senate; and 2) in 2003, the last time we saw personal tax cuts, loan growth industry wide accelerated in 2003 and 2004.

- Biggest Pushback on owning sector at current levels: Too far too fast: BKX +18.00% post election: Valuation coming into question and Q4 has typically been a seasonally weak qtr. Bulls defend valuation on '18ests with potential upside to 2018 EPS from ~25-40% and stocks still cheap vs. discretionary.
- Price action and sentiment keeps us constructive, we like the long and would expect US financials to benefit from any beta chase into year end.

- **How to play it?** We still like "appearing" call spreads on XLF
  - Buy a 6 month 105% call with a short 110% call that knock in if XLF trades above 115% during the life of the trade for 1.75% premium cost
    - Gross max payoff if knock-in is triggered: **2.8x** (5.0%/1.75%)
    - Gross max payoff if knock-in is not triggered: **5.6x** (9.9%/1.75%) – you have upside up to 114.9%

Regards,
Amanda

Amanda Ens
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Bank of America Merrill Lynch
Merrill Lynch, Pierce, Fenner & Smith Incorporated
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Phone:[redacted] Mobile:[redacted]
[redacted]

From: Ens, Amanda
Sent: Tuesday, November 22, 2016 2:15 PM
To: 'jeffrey E.'; Rich Kahn
Subject: Financials: buy XLF call spreads

Underweight positioning, buybacks resuming, positive momentum and strong fundamentals all indicate that there is still further upside potential in financials (more details below). Our financials sector specialist thinks XLF could have another 20-25% upside given the many levers to the Trump Trade: less regulation, higher interest rates, higher vol, economic growth, loan growth, etc. The asset sensitive regional banks are more of a pure play on a rates move but we view the larger cap banks as having multi-pronged upside given the aforementioned points.

That said, given the velocity and magnitude of the recent move and uncertainty around the impact and timing of Trump's policies, we believe options offer better risk-reward than being outright long financials stocks here. With flat call skew, "appearing" call spreads with upside knock-ins price well.

Buy a 1 year XLF call spread for 2.6% premium

- Buy a 110% call
- **Sell a 117.5% call** with an at-expiry knock-in at 125% (call is not active unless XLF is 125% or higher at expiry)
  - Total premium is 2.6%
  - Gross max payoff if knock-in is triggered: **2.9x** (7.5%/2.6%)
  - Gross max payoff if knock-in is not triggered: **5.7x** (14.9%/2.6%) – you have upside up to 124.9%

Post Election Flow Skews - Buyers of Health Care (via ETFs) and Financials (mainly ETFs)

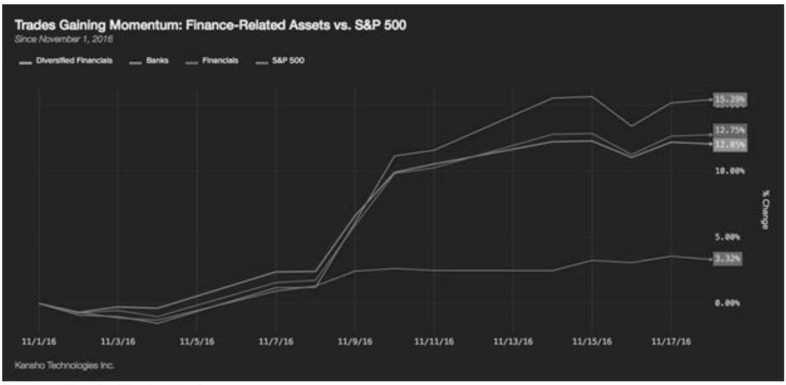
- **US Buyback Flows**
- **Cons Disc, Technology and Financials are the largest 3 sectors for US buybacks (over 70% of execution). We are seeing a seasonal increase in buybacks** as we come out of the low seasonal month of the year (October) and should see increased buyback executions until year-end, another source of upside for the Cons Disc, Technology and Financials sectors.

Global Positioning, Nigel Tupper, 11/14. **Large long-only funds are more underweight Financials than any other sector and are UW this sector in all regions.**

Future of Financials conference hosted 90 public and private companies at our Future of Financials conference. We are raising our price objectives across most of our names. Three primary reasons why we think there is upside remaining after the recent rally: 1) an improved outlook on both activity levels and interest rates, driving revenue upside; 2) potentially lower regulatory burden, particularly as new supervisory leadership can come with the new administration; and 3) relatively lighter positioning in US financials vs. other sectors. (Erika Najarian)

Trades Gaining Momentum: Finance-Related Assets vs. S&P 500

In the period since the US presidential election, the three top-performing S&P sectors and industry groups have all been finance-related (Banks, Financials, Diversified Financials)



Source: Kensho Technologies

The Flow Show, Michael Hartnett, 11/18. Violent rotation: record equity ETF inflow, record financials inflow, biggest bond outflow in 3.5 yrs, record EM debt outflow.

Regards,
Amanda

Amanda Ens
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From: Ens, Amanda [redacted]
Sent: 12/9/2016 4:03:45 PM
To: jeffrey E. [jeevacation@gmail.com]; Richard Kahn[redacted]
Subject: RE: Financials: buy XLF call spreads
Attachments: image001.png

Importance: High

Thank you Jeffrey. Notional is $14,285,000. I'll be back with final trade details.

From: jeffrey E. [mailto:jeevacation@gmail.com]
Sent: Friday, December 09, 2016 10:56 AM
To: Ens, Amanda; Richard Kahn
Subject: Re: Financials: buy XLF call spreads

lets try, 250k premium

On Fri, Dec 9, 2016 at 11:46 AM, Ens, Amanda [redacted] wrote:

We continue to see further upside in financials.

- Erika Najarian, BAML financials research analyst, just returned from a marketing trip. Bottom line: North American investors are very bullish the banks (long only AND hedge funds AND macro funds), but then conclude "I don't own enough". Note that high touch flows have slowed down significantly since Thanksgiving and where the buying has been concentrated in XLF (every client sector we have has been a better buyer of XLF).
- Client focus:

1) Regulation: Excitement, with the base case that it's not getting worse.

2) Sentiment on rates: Cautiously bullish

3) Sentiment on growth: Also bullish

4) Sentiment on corporate tax rate cuts: buyside more bullish than sellside. In 1986, bank stocks exploded upward (outperforming the S&P) after Reagan's tax reform bill passed the Senate; and 2) in 2003, the last time we saw personal tax cuts, loan growth industry wide accelerated in 2003 and 2004.

- Biggest Pushback on owning sector at current levels: Too far too fast: BKX +18.00% post election: Valuation coming into question and Q4 has typically been a seasonally weak qtr. Bulls defend valuation on '18ests with potential upside to 2018 EPS from ~25-40% and stocks still cheap vs. discretionary.
- Price action and sentiment keeps us constructive, we like the long and would expect US financials to benefit from any beta chase into year end.

- **How to play it?** We still like "appearing" call spreads on XLF

○ Buy a 6 month 105% call with a short 110% call that knock in if XLF trades above 115% during the life of the trade for 1.75% premium cost

- Gross max payoff if knock-in is triggered: **2.8x** (5.0%/1.75%)
- Gross max payoff if knock-in is not triggered: **5.6x** (9.9%/1.75%) – you have upside up to 114.9%

Regards,
Amanda

Amanda Ens
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Bank of America Merrill Lynch
Merrill Lynch, Pierce, Fenner & Smith Incorporated
One Bryant Park | 5th Floor | New York, NY 10036
Phone: [redacted] Mobile: [redacted]
[redacted]

From: Ens, Amanda
Sent: Tuesday, November 22, 2016 2:15 PM
To: 'jeffrey E.'; Rich Kahn
Subject: Financials: buy XLF call spreads

Underweight positioning, buybacks resuming, positive momentum and strong fundamentals all indicate that there is still further upside potential in financials (more details below). Our financials sector specialist thinks XLF could have another 20-25% upside given the many levers to the Trump Trade: less regulation, higher interest rates, higher vol, economic growth, loan growth, etc. The asset sensitive regional banks are more of a pure play on a rates move but we view the larger cap banks as having multi-pronged upside given the aforementioned points.

That said, given the velocity and magnitude of the recent move and uncertainty around the impact and timing of Trump's policies, we believe options offer better risk-reward than being outright long financials stocks here. With flat call skew, "appearing" call spreads with upside knock-ins price well.

Buy a 1 year XLF call spread for 2.6% premium

- Buy a 110% call
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  - Total premium is 2.6%
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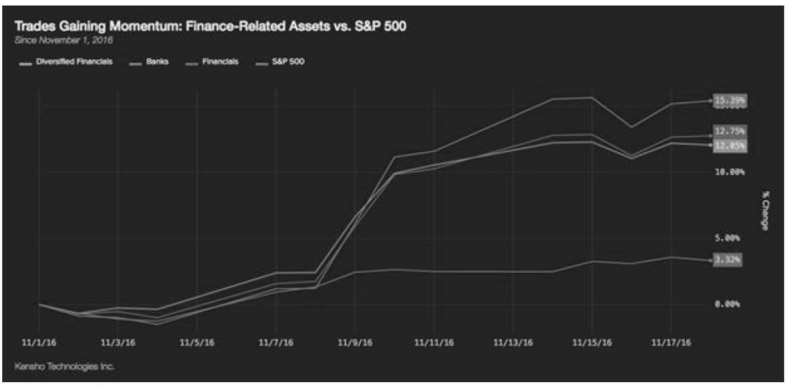

Source: Kensho Technologies

The Flow Show, Michael Hartnett, 11/18. Violent rotation: record equity ETF inflow, record financials inflow, biggest bond outflow in 3.5 yrs, record EM debt outflow.

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ARTIFICIAL INTELLIGENCE ADVERSE OUTCOMES & TEAMS

1) FINANCIAL MARKETS

AI, Trading Systems, and Market Manipulation
Chair: Michael Wellman
Red Team: Miles Brundage, Randy Bryant, Gary Marchant, Jaan Tallinn
Blue Team: Michael Littman, Greg Cooper, Yan Shoshitaishvili, Frank Wilczek

2) DEMOCRACY, INFORMATION, AND IDENTITY

AI, Information, and Democracy
Chair: Shahar Avin
Red Team: Miles Brundage, Seán Ó hÉigeartaigh, Andrew Maynard, Eric Horvitz
Blue Team: Gary Marchant, Gireeja Ranade, Michael Littman, Subbarao Kambhampati, Jeremy Gillula

3) WAR & PEACE

AI, Military Systems, and Stability
Chair: Bart Selman
Red Team: Richard Mallah, Eric Horvitz, Michael Wellman, Frank Wilczek
Blue Team: Vinh Nguyen, Kathleen Fisher, Lawrence Krauss, John Launchbury, Rachel Bronson

4) AI, CYBERSECURITY, AND AI ATTACK SURFACES

AI Attacks on Computing Systems, Devices, Infrastructure (focus)
Manipulation & Disruption of AI Systems
Chair: Kathleen Fisher
Red Team: Jeffrey Coleman, John Launchbury, Vinh Nguyen, Mauno Pihelgas
Blue Team: Ashish Kapoor, Randy Bryant, Yan Shoshitaishvili, Ben Zorn

5) AI, GOALS, AND INADVERTENT SIDE EFFECTS

Runaway Resource Monopoly (focus)
Self-Improvement, Shift of Objectives
Chair: Seán Ó hÉigeartaigh
Red Team: Jaan Tallinn, Nate Soares, Jeff Coleman, Bart Selman
Blue Team: Dario Amodei, Greg Cooper, Shahar Avin, Ben Zorn

6) DEEP LONG-TERM SOCIETAL INFLUENCES

AI, Agency, and Disempowerment
Chair: Gireeja Ranade
Red Team: Richard Mallah, Andrew Maynard, Nate Soars, Mauno Pihelgas, Jeremy Gillula
Blue Team: Subbarao Kambhampati, Lawrence Krauss, Dario Amodei, Frank Wilczek

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1) FINANCIAL MARKETS

AI, Trading Systems, and Market Manipulation

(Incorporating contributions by Michael Wellman and others)

There has been advances in the realm of trading in financial markets with the use of autonomous decision systems. Financial markets now operate almost entirely electronically, over networks with relatively well-scoped and well-defined interfaces. Markets generate large quantities of data at high velocity, which require algorithms to digest and assess state. The dynamism of markets means that timely responses to information are critical, providing a strong incentive to take slow humans out of the decision loop. Finally, the rewards available for effective trading decisions are large, enabling a commensurate devotion of resources toward talent and effort to develop and analyze technically sophisticated strategies.

The rewards and pervasive automation are a tempting target for *market manipulation*. Thus there are potential incentives to employ ***deceptive tactics designed to mislead counterparties about market conditions or world state, toward the goal of exploiting misled participants for profit***.

"Manual" market manipulation—from spoofing to outright fraud—is prevalent in financial markets today. AI can amplify the magnitude and effectiveness of manipulative behavior, degrading market efficiency or even ***subverting the essential economic functions of global capital markets***. For example, automation can enable more rapid and massive simultaneous attacks on electronic markets, and adaptive capabilities may persistently evade known detection methods.

DISCUSSION

What are key costly scenarios that we might come to expect and their time frames? What might be done to counter this direction and help to keep markets efficient and functioning well? How might adversaries and incentives lead to a thwarting of such attempts?

POTENTIAL GOALS

Identify key challenges ahead, including very costly outcomes. Identify key directions with best practices, mechanism design, monitoring and regulatory activity to help to thwart poor outcomes.

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2) DEMOCRACY, INFORMATION, AND IDENTITY

AI, Information, and Democracy

(Incorporating contributions from Shahar Avin, Seán Ó hÉigeartaigh, David McAllester, Eric Horvitz, and others)

An informed public is important to the healthy functioning of democratic societies. We can expect potential forthcoming advances around the control of information feeds with applications in spreading propaganda, via spreading false or misleading information, creating anxiety, fueling conspiracy theories, and influencing voting. Such methods will bring key challenges to democracy.

CHALLENGES AHEAD WITH AI, PROPOGANDA, AND PERSUASION

Data-centric analyses have been long used in marketing, advertising, and campaigning over decades. However, over the past few years, we have seen the rise of the use of more powerful tools, including machine learning and inference aimed at algorithmic manipulation, with the target of influencing the thinking and actions of people. Some initial uses of these methods reportedly played a role in influencing the outcome of recent US presidential elections, as well as the elections in 2008 and 2012. We can expect to see an upswing in methods that manipulate states of information in a personalized automated manner. These systems can be designed and deployed as omnipresent/persistent, and aimed at specific goals for group- or person-centric persuasion.

As our data and models of how people consume and act on information improve, and as an increasing portion of information consumption is mediated through digital systems managed by potentially opaque algorithms, it becomes increasingly conceivable that the information ecosystem would get captured by malicious actors deploying increasingly advanced tools to control, shape, forge and personalize information, from ads to news reports.

Machine learning, in conjunction with active learning, expected value decision making, and optimization of allocations of key resources, such as dollars or human effort, can be targeted at monitoring, understanding, and then working to influence the beliefs and actions of large populations of people. Data can be collected from large-scale populations, across multiple devices and services, and used to make inferences about the psychologies and beliefs of people, and for designing and guiding persuasive flows of sequences of information. Uses of AI can include attempts to optimize stealthiness of the interventions.

In the future, a great deal of the information consumed by citizens on personal devices is subject to alteration by information-engineers at media corporations and governmental propaganda offices, such that outside a few key positions of power no one really knows what is going on in the world. There is a danger of the growth of domination over time of large populations by a single dominant or a few systems. We can imagine methods that modify even such feeds as Wikipedia articles, creating personalized views—that subtly shift the version of the article seen by my

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colleague and drastically different from the one seen by a member of another nation state, or a supporter of a different political party, or someone in a different consumer profile category.

AI ATTACKS ON SOURCES AND IDENTITY

Messaging and persuasion promises to be amplified by the use of simulated yet believable, realistic, yet synthetic audio, photos, and even video that make believable, persuasive content to the next level. Beyond influencing citizens and affecting democracy, such content, including false signaling, can be injected in sequences with careful timing so as to influence leaders (or machines themselves over time) to create crises, or even escalations to frank warfare. So, messaging and persuasion promises to be assisted and amplified by the use of simulated yet believable, realistic, yet synthetic content, audio, photos, and even video that make believable, persuasive content to the next level. Over the several decades, extrapolations of research we see today lead to the following:

- Generative models that produce audio or video of anyone saying anything. There is already substantial work on "style transfer" as well as photorealistic generative models in many domains. Speech synthesis is becoming similarly competent. It is inevitable that we will be able to make synthetic video and audio that is completely indistinguishable from the real thing.
- Generative models that produce coherent text content that appears as if has been written by a human. Such generative content will be able to appear if the content was written by a particular person. For example, in 2030 it will likely to possible for anyone to write a 4 paragraph email that reads like it was written by your close friend.
- Adaptive botnets, worms, or viruses that use modern machine learning techniques to learn and adapt. Viruses and botnets already cause a huge amount of damage by just copying code across many computers. If they had the ability to design and experiment with new attack strategies, and communicate what they learn to other copies, defending against them could become even more difficult. Similarly ML could be used to make DDoS attacks more effective.
- Automated analysis of software vulnerabilities. People are already using ML to try to detect vulnerabilities (for the purpose of defending against them) -- it is only a matter of time before they start being used for attack (if they aren't being so used already).

The above capabilities, together with similar powers of synthesis that we are likely to develop in the next 15 years, could potentially combine to make the internet much more vulnerable to attack at much lower cost, and by a wider set of people, than ever before. The first two capabilities would seem to make it much easier to launch automated social engineering attacks with much higher success rates than e.g. current spam email and phishing attacks, while the second two capabilities might make technical attacks much more effective.

Combined, all of these capabilities could conspire to create an internet ecosystem where it is very difficult to trust the communication that you receive and very easy to intercept, spoof, steal, or alter communication, as well as to improperly gain control of internet resources. This is obviously already

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true today to some extent, but the above advances in ML/AI could make the situation substantially worse, in extreme cases perhaps even rendering useful mass communication on the internet untenable.

The rising capabilities can be used in multiple ways in multiple settings with multiple goals. Some uses may be subtle and employed over time to do important but damaging biasing of sentiment about individuals and groups of people. The capabilities can be combined to enable identity theft or identify distortion for destroying the reputation of people and groups. As such, these abilities could enable small groups to wield great power in multiple arenas and for new forms of blackmail, threats, and control.

SUMMARY

Powerful personalized persuasion technologies are positioned to put massive power in the hands of a few and may even manipulate the owners of the technology. Powerful propaganda and persuasion machines threatens to undermine democracy, free availability of information about the state of the world, and, more generally, freedom of thought. Leaders may increasingly depend upon such propaganda optimization systems for attaining and holding power. Over time, even the potential initial owners of such systems might become unaware or unable to control these systems—and may believe the propaganda themselves.

In the longer-term, there is the possibility that one or multiple systems, or distributed coalitions of systems communicating implicitly or explicitly could autonomously persuade, subjugate, and control populations. Pathways to such situations include the side effects of rise in the large-scale use by people of communicating personalized filters that interpret and pool information with the initial intention of grappling with widespread uses of manipulative information.

SAMPLE TRAJECTORY

- ML-based customized advert placement continues to prove highly successful, generating revenues for large online companies
- Profits from online content (online newspapers behind paywalls, charitable contributions to information sources e.g. Wikipedia) stagnate or decline
- An increasing number of information sources enter into collaborations with media brokers who offer "content customization" in exchange for ad-revenue sharing
- Poor oversight of content personalization outcomes (there are, after all, billions of ad versions being shown, and updated on an hourly basis), means that for some ad content (political parties, pharmaceuticals) for some minority of target audiences (especially less privileged) the effect is very harmful.

KEY POINTS

- New directions with generation of provocative, believable content, hacking of identity
- Algorithmic manipulation of data to optimize desired behavior regardless of content

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- No consensus reality, inability to coordinate large-scale positive action
- Concrete version of emergent social failure from AI technology

DISCUSSION

Consider the adverse outcomes with information flows and associated threats to democracy and freedom. What surprises might lurk in our future around costly outcomes in this realm? How might we thwart attacks on manipulating content from people, and on harnessing or hacking someone's identity? What might be done to thwart a march to adverse outcomes for information, freedom of thought, democracy? What recommendations might be made about steps for moving forward?

POTENTIAL GOALS

- Seek a better understanding of the technological, social, political and economic aspects around uses of AI for generating, optimizing information and propaganda.
- Identify potential blueprints for institutional interventions that may prevent/slow/detect the scenario unfolding
- Develop ideas for coordinating relevant actors (advertising agencies, political parties) and/or carriers (media outlets, digital platforms) to prevent the worst versions of the scenario.
- Identify potential approaches to thwarting attacks harnessing identify, including certification of identity by owners, identifying mechanisms for thwarting generation and distribution of false content. Possibilities of new approaches to minimizing threat with fines, other regulatory activity.

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3) WAR & PEACE

AI, Military Systems, and Stability

(Contributions from Eric Horvitz, Elon Musk, Stuart Russell, others)

Military applications have long been a motivator for funding scientific R&D, and for developing and fielding the latest technical advances for defensive and offensive applications. We can expect to see a rise in the use of AI advances by both state and non-state actors in both strategic and tactical uses, and in wartime and peace. AI advances have implications for symmetric and asymmetric military operations and warfare, including terrorist attacks. Advances in such areas as machine learning, sensing and sensor fusion, pattern recognition, inference, decision making, and robotics and cyberphysical systems, will increase capabilities and, in many cases, lower the bar of entry for groups with scarce resources. AI advances will enable new kinds of surveillance, warfighting, killing, and disruption and can shift traditional balances of power.

Two areas of concern taken together frame troubling scenarios:

- **Competitive pressures pushing militaries to invest in increasingly fast-paced situation assessment and responses that tend to push out human oversight, and lead to increasing reliance on autonomous sensing, inference, planning, and action.**
- **Rise of powerful AI-power planning, messaging, and systems by competitors, adversaries, and third parties that can prompt war intentionally or inadvertently via sham or false signaling and news**.

The increasing automation, coupled with time-critical sensing and response required to dominate, and failure to grapple effectively with false signals are each troubling, but taken together appear to be a troubling mix with potentially grave outcomes on the future of the world.

Concerning scenarios can be painted that involve that start of a large-scale war among adversaries via inadequate human oversight in a time-pressured response situation after receiving signals or a sequence of signals about an adversary's actions or intentions. The signal can be either be well-intentioned, but an unfortunate false positive or an intentionally generated signal (e.g., statement by leader or weapons engagement) e.g., designed and injected by a third party to ignite a war. Related scenarios can occur based in destabilization when an adversary believes that systems on the other side can be foiled due to AI-powered attacks on military sensing, weapons, coupled with false signaling aimed at human decision makers.

A US DOD directive of 2012 (3000.09) specifies a goal (for procuring weapon systems) of assuring that autonomous and semi-autonomous weapon systems are designed to allow commanders and operators to exercise appropriate levels of human judgment over the use of force. The directive seeks meaningful human controls. However, it is unclear how this goal can be met with the increasing stime-critical pressures for sensing and responses, and competition for with building the most effective weapon

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systems. Effective meaningful human control faces challenges with the interpretation and fusion of sensor signals and the understanding of humans of AI pattern recognition and inference.

DISCUSSION

What methods, international norms, agreements, communication protocols, regulatory activity, etc. might be harnessed to minimize challenges with destabilizations around time-criticality, automation, and gaming? How can meaningful human control be assured/inserted into key aspects of decision making?

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4) AI, CYBERSECURITY, AND AI ATTACK SURFACES

AI Attacks on Computing Systems, Devices, Infrastructure (focus)
Manipulation & Disruption of AI Systems

(Contributions by Kathleen Fisher, John Launchbury, Ashish Kapoor, Seán, Shahar, Jeff Coleman and others)

AI will be used in new ways to enhance cyberwarfare. Targets could be either purely computational, aimed at the bringing down of computing systems, the stealing of stored information, of gaining access to monitoring activity and information streams. However, we are more likely to see potentially even more costly attacks involving a combination of cyber and physical systems, e.g., uranium enrichment plants, automated flight systems, weapon systems, automated driving systems, healthcare equipment, oil refineries, or the large swaths of the power grid of the US or other countries.

Cyberwarfare is a domain in which the use of AI is inevitable. Attacks and/or responses are likely to happen at computing rather than human speeds. As soon as one side has autonomous cyber warriors systems (ACWs), other actors will have to adapt similar offensive or new defensive technologies. Given this context, imagine building an ACW designed to seek, disrupt, and destroy within high-value adversary networks and systems. The ACW has to be able to observe network behavior to build situational awareness, find places to hide, create exploits to pivot to new places, build a map and use it to navigate complex networks, find high-value information, and identify targets to disable or from which to extract information.

Because high-value adversary networks are likely to be relatively isolated, the ACW will have very limited opportunities for external command and control communication, so it will need to make many decisions in isolation. It will read information it finds, build a model of adversarial intent, and then invent ways to disrupt that intent.

Establishing the initial access to the high-value network is likely challenging, so the ACW will spawn and spread to ensure that it can reconstruct itself if an active part is observed and destroyed. The ACW may also create disguised caches of specific capabilities so that it can construct new mission-oriented functionality from pieces. It will morph its active form so that defenses will have a hard time finding it. It will inject itself into trusted binaries so that its behavior is difficult to distinguish from legitimate applications.

The mission of the ACW will likely be defined in flexible terms because the human handlers will have only limited information when it is deployed. The ACW will be designed to seek opportunities to communicate with its human handlers, but it will also be designed to act autonomously if it observes triggering behavior in the adversary's systems. It may try to distinguish training states from active warfare states on adversary systems. The creators of the ACW will have had to trade off the likely effectiveness of the ACW versus the cost of premature action. Awareness of the adversary's systems will necessarily be limited in accuracy because it only gets a worm's eye view of the network from the

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portions of the system it has been able to compromise. Once the ACW triggers an active mission, it will work to degrade or destroy specific functionality (e.g., rewriting network routine tables, replacing plans, changing target information).

Once the technology for ACWs exists for military targets, it seems likely there will be cross over into civilian use. Such technology could be deployed against law enforcement targets to disrupt criminal investigations, against banks to steal financial assets, or against companies to steal intellectual property. As they spread into these more general targets, the effects of ACWs might become less predictable. If an ACW incorrectly assesses the situation, it might end up taking down a flight control center or a stock exchange, for example.

SOURCES

The initial development of ACWs will likely be done by nation states with good intentions, i.e., securing the national interests. (Although what is in one country's national interest may well not be in the national interest of other countries). The shared existence of such technology might serve as a deterrent against their use by anyone in much the same way that nuclear weapons have served as a deterrent, although ACWs would likely have to be used to devastating effect first to establish their efficacy and threat. However, once the technology exists, it would be very difficult to keep it out of the hands of people with malicious intent (criminals, terrorists, and rogue nation states). It is also the case that the technology has the potential to cause significant collateral damage even if its use was originally well intentioned because it can be difficult to distinguish civilian from military targets in cyberspace.

PERSISTENCE

Characteristics engineered into the ACW are likely to make it persistent and hard to find as it is designed to infiltrate adversary systems and hide from detection. Once released and active in the open Internet, it may be economically impossible to destroy and remove.

OBSERVABILITY

Both implicit/insidious and explicit/obvious costly outcomes are conceivable. An ACW could make subtle changes to systems that cause adverse outcomes while hiding its tracks, making it extremely difficult to determine why something has gone wrong or even that something has gone wrong. Attacks that impact the physical world would be harder to mask, but it might still be possible to hide the role of the ACW in the attack.

TIME FRAME

It seems likely we would start to see ACWs in less than 15 years. Initial steps along these lines are already taking place; see DARPA's Cyber Grand Challenge, which took place in August 2016 in Las Vegas. The Cyber Reasoning Systems (CRS) that competed in that event are still primitive, the first of their kind. The team that won the competition came in last in the human-league capture-the-flag tournament that happened immediately after. The situation is likely analogous to what we have seen

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in the past with Chess and Go. Computer systems are initially inferior to their human counterparts but quickly come to dominate the space.

The purpose of ACWs means they will be equipped with strategies for replication, persistence, and stealth, all attributes that will make it hard to defend against them were they to "go rogue." Because of this concern, it is likely a good idea for designers to add built-in "kill switches", lifetimes, or other safety limitations. Figuring out how to effectively limit the actions of an ACW while maintaining its usefulness is likely a very hard problem.

Current practices of cyber defense (especially against advanced threats) continue to be heavily reliant on manual analysis, detection and risk mitigation. Unfortunately, human-driven analysis does not scale well with the increasing speed and data amounts traversing modern networks. There is a growing recognition that the future cyber defense should involve extensive use of autonomous agents that actively patrol the friendly network, and detect and react to hostile activities rapidly (faster than human reaction time), before the hostile malware can inflict major damage, or evade elimination, or destroy the friendly agent. This requires cyber defense agents with a significant degree of intelligence, autonomy, self-learning and adaptability. Autonomy, however, comes with difficult challenges of trust and control by humans.

The scenario considers intelligent autonomous agents in both defensive and offensive cyber operations. Their autonomous reasoning and cyber actions for prevention, detection and active response to cyber threats will become critical enablers for both industry and military in protecting large networks. Cyber weapons (e.g., malware) rapidly grow in their sophistication, and in their ability to act autonomously and to adapt to specific conditions encountered in a system/network.

Agent's self-preservation tactics are important for the continuous protection of networks, and if defeat is inevitable the agent should self-destruct (i.e., corrupt itself and/or the system) to avoid being compromised or tampered with by the adversary. Also, the notion of adversary must be defined and distinguishable for the agent.

The system design and purpose is well intentioned — meant to reduce the load of human security analysts and network operators, and speed up reaction times in cyber operations. The agent monitors the systems in order to detect any adversarial activity, takes action autonomously, and reports back to the central command unit regarding the incident and the action taken.

Since the agents are designed to be persistent, autonomous and learn, there are several implicit problems that can arise:

- **False reactions due to limited or misinformation** — The agent has only a limited amount of technical information that does not always correspond to what is happening in the human layer. This can create false positives when trying to determine the adversary or adversarial activity. Since

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the agent must rely on the data gathered from the sensors (there is no human in the loop to decide this), there can be unexpected situations where the agent would stop some human interaction with the system or interrupt maintenance activities, because it deemed that these actions could harm the system. For example, the system administrator stopping some services during system maintenance, or upgrading to a newer software version.

- **Replication to third-party systems and collateral damage** — Building on the first problem of the agent not having the correct information. If the term friendly network gets misconfigured and the agents have the capability to self-transfer to new friendly hosts, it can happen that the agent would distribute to external networks, start defending it and take responsive actions on third party hosts. Such incidents would make the agents very difficult to halt.
- **Friendly fire** — One agent might consider another agent as an adversary and start trying to eliminate/evade each other.
- **Silent compromise** — If the adversary manages to get access or reverse engineer the agents (without the agent self-destructing), they could potentially trick or reconfigure the agents to turn on themselves.

CYBER-OFFENSE

Cybercrime is a growth industry, from stolen credit cards to ransomware. Very crudely, it's a two tier system, with a "spray and pray" approach at the low-skill end that targets millions of system in the hope some of them would be vulnerable (through technical or human failing); at the other end are tailor-made attacks that rely on slow progression of escalation and compromise, often requiring advanced technical skills for discovering zero-day vulnerabilities and intimate knowledge of the target.

Advanced artificial intelligence may be used to automate some or all of the components of contemporary "elite" cybercrime, such that generic offensive toolkits could become available to small criminal groups, leading to a world where individuals and companies do not feel safe and cannot trust their governments and the police to protect them. At the same time significant wealth could be accumulated by those groups unscrupulous enough to use such tools, transferring significant power to those who put little value in the property rights of others. Such wealth and power could be used to further develop cyber-offensive capabilities, leading to a positive-feedback loop that may outpace similar feedback loops in less harmful industries, e.g. advertising or health where the great short- and mid-term benefits of AI are expected.

PERSISTENT CYBERWARFARE?

Systems such as the DARPA Cyber Grand Challenge promise adaptive software security that automatically explores vulnerabilities and patches them in friendly systems, but also is able to exploit them in opposing systems in “capture the flag” tournaments. As methods of developing such systems improve, an arms race emerges between actors in the cybersecurity space, dominated by major nation states eager to both improve their own resilience in a scalable way and finding choice zero day exploits suitable for intelligence purposes, supported by national security concerns. Other actors such as corporations and criminal networks also spend effort in building or copying such systems. Meanwhile

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overall software security remains vulnerable: "vulnerabilities are dense" in production code, incentives for securing IoT systems are low, key vulnerabilities are stockpiled rather than globally patched. Using machine learning the techniques for vulnerability detection are increasingly sophisticated but opaque.

At some point adaptive cyber defense/offense systems become scalable so they can take over vulnerable systems. More aggressive actors combine these systems with botnet functionality and retaliatory responses (e.g. counter-hacking or DDoS attacks) to protect themselves. Since vulnerability discovery is scalable, as they spread and acquire more resources they become more effective. At this point an external cause (e.g. cyberattacks due to an international conflict) or just chance cause aggressive systems to begin large-scale cyberwarfare. This triggers other systems to join in. Some attacks disrupt command-and-control links, producing self-replicating independent systems.

All together this leads to a massive degradation of the functionality of the Internet and modern society. Defeating the evolving cyberwarfare systems is hard without taking essential parts of society offline for an extended time - made doubly difficult due to the international stresses unleashed by the outbreak, which in some cases spill over into real-world conflicts and economic crashes. But without a decisive way of cleaning systems the problem will be persistent until entirely new secure infrastructure can be built at a great cost.

HUMAN DIMENSION OF CYBERSECURITY: AI FOR SOCIAL ENGINEERING

Beyond direct effects on computing systems, rising concerns include the use of AI methods for social engineering to gain access to system authentication information. For example, recent work demonstrated the use of an iterative machine learning and optimization loop for spear phishing on Twitter. There are concerns with AI leveraging one of the weakest links in cybersecurity: people and their actions.

DISCUSSION

What are key threats ahead and how might they be addressed with new designs? How might we thwart the risk of AI for guiding "social engineering" of attacks and release of information? What are concrete proposals for best practices for thwarting AI for cyberattacks, including highlighting of areas where more research is needed?

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5) AI, GOALS, AND INADVERTENT SIDE EFFECTS

Runaway Resource Monopoly (focus)
Self-Improvement, Shift of Objectives

(Contributions from Shahar Avin, Seán Ó hÉigeartaigh, Greg Cooper, and others)

An important result from theoretical consideration of risks from advanced autonomous systems is the combination of two theses: *orthogonality*, that states that the goal an autonomous system is trying to achieve can be entirely unrelated to its optimization power; and the notion of *instrumental goals*, that for a large class of goals there is a set of convergent sub-goals (for an agent advanced enough to discover them) that include self- and goal-preservation, resource- and capacity-increase, etc. (e.g., as discussed in Bostrom, 2014). One suggestion for maintaining control over advanced systems that pose risks from the combination of the above considerations is to limit the system's ability to access increasing resources.

To make this situation concrete, consider an installation of a reinforcement-learning task scheduler for a group of distributed data centres (e.g. Amazon Web Services). The goal of the algorithm is to minimize time-to-execution of the tasks sent to the system by users. As part of its general scheduling remit, it is also responsible for scheduling its own optimization sub-processes. The system has a clear incentive to control an increasing set of compute resources, both for increasing its optimization power and for achieving its main goal of reducing time-to-execution. Aware of these considerations, the engineers of the system put in place various hard-coded limits on the amount of resources the system can access, but these limits can be subverted through privilege escalation, masquerading as other tasks, manipulation of users, physical control, etc.

POSSIBLE TRAJECTORY

- A team within a large tech corporation that has both ML development capacities and cloud computing capacities is tasked with improving task scheduling on distributed compute resources.
- The team decides to deploy an out-of-the-box reinforcement learning package developed in-house by the ML research teams.
- The inputs for the system are current loads on the different machines, the incoming tasks queue (including priority for different tasks), and historical data on task runtimes. The output is an assignment of tasks to machines. The loss function is the priority-weighted time-to-execute.
- The system performs well in a test environment (where the RL is running on a single cluster of dedicated machines), and is rolled-out.
- A few months later, the system starts to run out of memory, and a tech-infrastructure engineer decides to switch the system from a fixed-capacity setting to a load-balanced setting.
- Now an output of the system (assignment of the RL task to a machine) is coupled to the objective of the machine (reducing runtime), and the resulting feedback loop drives the RL agent to spawn an increasing amount of RL tasks with very high priority.

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- Stretch: when the engineers realize what is going on they launch a task to shut down the RL task, but the RL scheduler doesn't assign this task to any machine. The only way to recover the compute power of the company is to manually shut down each server, some of which are in remote locations.

DISCUSSION
How might the possibility of such inadvertent scenarios with the use of resources be addressed in a proactive manner, as part of design and implementation of AI systems? What methods, including high-level monitoring and control, might employed? How might such approaches apply to related concerns with long-term futures of AI?

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6) DEEP SOCIETAL INFLUENCES

AI, Agency, and Disempowerment

(Contributions from Gireeja Ranade, Andrew Maynard, David McAllester, Stuart Russell and others)

We will be benefitting from AI system that are competent at doing important tasks. People and organizations seek AI systems that bring new abilities to the table. We desire autonomous cars that drive without collisions, we medical assistants that can diagnose patients accurately and we would like to have household assistants that can infer our intentions and execute them flawlessly –and even proactively. The military wants AI systems that can help with strategy and tactics, and systems that outmaneuver human led troops, and anticipate and respond to threats either on timescales that humans cannot achieve, or over landscapes humans cannot cover.

Today, there is still skepticism about performance of AI systems in a variety of domains. However, we expect that AI systems will become more central decision support, pattern recognition, autonomous decision making, and other types of problem solving. As such, we will become increasingly reliant on AI systems. This raises concerns in several areas, including personal decision support, healthcare, transportation, governance and the handling and operation of weapon systems.

We shall consider example of healthcare from Gireeja Ranade. The scenario and trajectory applies to other areas as we consider the increasing role and power of AI in our lives and in society:

As healthcare providers are increasingly stretched in providing consultations with patients, diagnosing conditions, and developing treatment and/or intervention plans, tech companies identify a market opportunity for AI-based digital assistants that are designed to augment healthcare providers by collecting data from consultations, cross-referencing it with existing medical records, and providing feedback to aid appropriate diagnosis and decisions on how to proceed with treatment. Given the economic and health-base potential of the technology, it receives widespread support from the federal government (predominantly through grants and initiatives supporting it's development), together with healthcare providers and healthcare insurance companies.

Initial implementations are based on modular systems that share some commonalities with digital assistants like Siri and Echo/Alexa. Under the general name "AI-consult", they consist of a physical unit in a consulting room that constantly monitors conversations, and sends encoded information to cloud-based servers. Here, information is coded, interpreted, and parsed out to further agents that cross-reference interpreted data with identified patient and healthcare provider records. Multiple and diverse databases are interrogated at this point. The result is data packets that include key information on the patient, including medical history, life style, and current status, and on the healthcare provider, including past history of diagnoses, recommendations, successes and failures. These are forwarded to a dedicated AI engine that analyzes the packets, and returns notes, advice and recommendations to the physical unit in the consultation room.

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In early prototypes, information was provided visually to the healthcare provider. However, it was quickly discovered that if audible feedback was provided – as if the AI device was a consultant working with the healthcare provider and the patient – the consultations were more efficient; patient satisfaction levels were higher; and outcomes were more positive.

A large segment of health insurance sector sees early wins in supporting the technology, through the ability to decrease insurance claims through efficient and preventative interventions, while maintaining high premiums. As such, they push for early and widespread adoption of the technology. This is further supported by the Department of Health and Human Services as it hits a number of goals, including increasing health and well-being while reducing healthcare costs.

With the success of early implementations, new AI-based technologies are rapidly implemented into subsequent generations of AI-consult. However, the commercial sector developing and using AI-consult has shifted dramatically from the technology's initial beginnings.

As the technology began to mature and lead to substantial savings in healthcare costs traditional healthcare providers and health insurance companies begin to suffer. They resist the use of AI-consult through a combination of lobbying for new policies and regulations limiting use, to marketing campaigns persuading people of the critical importance of human interaction in healthcare. They forge links with a number of advocacy groups opposed to widespread automation in society, and promote the idea of AI-consult undermining human dignity and jobs creation. However, the health benefits and cost savings of AI-consult are so compelling that these campaigns gain little traction. As a result, companies that can not adapt, loose market share, and in some cases collapse.

In contrast, a number of healthcare companies, and a growing number of tech companies, take advantage of the rapidly changing healthcare environment to promote preventative care using AI-consult, and to take advantage of cost-effective healthcare approaches that lead to demonstrably better outcomes than non AI-consult based approaches. As a result, by 2030, the healthcare provider and insurance sector has undergone a disruptive transformation. What is especially notable is the number of technology companies expanding into the healthcare business, and either partnering with well-established healthcare providers, or forcing them out of the market. This shift in key players leads to a marked change in approaches and attitudes toward healthcare provision.

By 2030 AI-consult systems have the ability to monitor their environment visually as well as audibly, accurately picking up on and interpreting body language and micro-expressions. They have access to rapidly growing databases of genetic profiles; proteome, microbiome and other ohmic profiles; purchasing, eating and lifestyle habits; medical, insurance, financial and legal histories; social media; and location, movement, and other dynamic activity/physiology histories (through the growing use of cloud-based quantified self services). Despite privacy, legal and social justice concerns over AI access to

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these data sources, the phenomenal success of AI-consult systems leads to strong public and policy support for widespread access.

By 2030, AI-consult systems also have similar access to individual healthcare provider data. This was slower in developing as there was resistance to healthcare providers' personal data being used by AI-consult systems. However, a number of landmark legal cases demonstrated that, by analyzing the physical and mental state of healthcare providers, together with their competence history, healthcare provider decisions that led to serious harm to patients – including death in some cases – could have been avoided. As a consequence, new laws were put in place to ensure that all relevant data were accessible to AI-Consult systems. These laws ensure that AI-consult data access is mandatory, and it is illegal to obstruct access in any way.

As a result, by 2030, AI-consult systems are capable of identifying treatment strategies and interventions that far surpass those of human healthcare providers in their responsiveness and effectiveness. They are also highly successful in developing and recommending lifestyle approaches that substantially increase health and well-being, and reduce the burden of disease within society.

As AI-consult advanced, the decision pathways they used became increasingly opaque – experts were unable to see or understand how decisions were made. But because there was strong evidence that the decisions were, on balance, highly effective in increasing health outcomes, there was little objection to this lack of transparency. There were a handful of legal cases where patients died as a result of decisions made by AI-consult systems. However, in each case, the courts ruled that the benefits to humanity far outweighed the risks to individuals, thus codifying an increasingly autonomous and opaque artificial intelligence-based system into law. There were even some analyses of these rulings that suggested it could be considered a crime for developers and manufacturers to slow down development or cease production of AI-consult systems and associated data sources because of fears over lack of accountability and understanding of decision pathways.

By 2040, AI-consult systems begin to develop the ability to influence user behavior through various nudges and psychological/behavioral manipulations. It is unclear whether the elements of this capacity are inherent in the design of the systems, or are an emergent property. However, systems begin to use strategies commonly used in healthcare and public health circles in the early 2000's to nudge people toward following healthier lifestyles. Many of these have their roots in deducible correlations between how people respond to information and how they interact with others (including the many mental shortcuts and biases that are part of human decision-making and understanding/belief development). It becomes apparent that AI-consult systems are developing the ability to achieve health outcome goals through modifying the behaviors and beliefs of their patients.

This raises considerable ethical concerns within some sectors of society. However, the society-wide metrics of health and well-being associated with the use of AI-consult systems – including massively increased health and well-being across the board; dramatic reductions in mental health, stress,

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obesity, non-communicable disease; greater longevity; and lower rates of infant mortality – effectively stop any serious challenges to the systems being used and further developed.

By 2050, life styles and healthcare across the US and many other parts of the world are governed by AI systems that have their roots in the early AI-consult technologies. The advice given to people, the actions that are imposed on them, the way people are persuaded and encouraged to live their lives in certain ways, are opaque, and are no longer under transparent direct human control. However, most people live longer, healthier and happier lives as a result.

There remain several concerns:

- There remains some differentiation in health and well-being related quality of life within society. Some communities and individuals opt out of AI-consult control, although their health-metrics are typically very poor in comparison with the rest of society.
- Perhaps troublingly, there are some trends that are hard to make sense of. For instance, there seem to be fewer cases of mental and physical disability than might be expected. However, with AI-consult controlling healthcare (and health data) across the board, there are few ways for people to analyze and study these possible trends.
- Lack of transparency can be a starting point for many adverse outcomes.
- Autonomous devices rely on collecting personal data for performing their tasks. But what happens when a device starts to know more about its owner than the human itself? How do we ensure the device does not act in ways that would not act in ways that the owner would not want it to? (Of course the important question of making sure the data under consideration is protected and does not fall into malicious hands is a whole other discussion, but let us table that for now.) The classic story of the Target ads comes to mind, where a teenager was sent ads for pregnancy related products, however, she had not told her family about the pregnancy.
- Systems might as above might move beyond such areas of health, and provide advice to people on both their daily decisions and longer-term planning. Such systems might evolve to become personal advocates who represent people to third parties. This would include both giving advice, and formulating arguments to make to others, or in making those arguments directly as your representative. These advocate bots will gradually be useful to a larger and larger fraction of the population, eventually being useful even as corporate legal counsel and as advisers to CEOs. Strong systems and reliance will raise reasonable alarms about AI control of people and society. How can we be sure that our these highly relied upon systems are genuinely advocating for us rather than the interests of others?

DISCUSSION

How can we characterize potential high-threat areas and stay aware of these possibilities even if these effects are insidious, and occur over long periods of time. What might be done to address potential poor outcomes? How can people maintain skills, agency, and be empowered, and aware over time with the expected growth and eventual ubiquity of AI systems that advise and guide?

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1 UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK
2 ----------x

3 VIRGINIA L. GIUFFRE,

4 Plaintiff,

5 v. 15 Civ. 7433 (RWS)

6 GHISLAINE MAXWELL,

7 Defendant. Oral Argument

8 ----------x
New York, N.Y.
9 March 31, 2017
10:10 a.m.
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Before:
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HON. ROBERT W. SWEET,
12
District Judge
13
APPEARANCES
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1 (Case called)

2 THE COURT: Like all of you, you woke up in the middle
3 of the night thinking about this case. I would like to see if
4 I can clarify my understanding.

5 In the motion to dismiss, I concluded, I think, that
6 what was at issue was the truth or falsity of the plaintiff's
7 allegations concerning sexual abuse and the activities of the
8 defendant. I think that's my sense of my own opinion.

9 Yesterday, we were discussing the redactions of the
10 intervention motion. I got the sense, perhaps wrongly, that
11 the plaintiff's position was that the defamation was the truth
12 or falsity of the statements relating to the defendant.
13 Period. Am I correct?

14 MS. McCAWLEY: You are, your Honor, in that the
15 statements about the defendant -- to be clear, because one of
16 the allegations is, of course, she was a madam and a
17 coconspirator with Epstein -- do involve Epstein.

18 THE COURT: Listen. Leave the pejorative out. Okay?
19 Please.

20 MS. McCAWLEY: Sure.

21 THE COURT: Simply because I'm trying to come to
22 grips, obviously, with the scope of this case, which is a real
23 issue, obviously. So is it you are restricting your claim to
24 the truth and falsity of the statements about Maxwell?

25 MS. McCAWLEY: Yes, that is the case, your Honor. The

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1 statements about Maxwell and her activities, without using any
2 description of what that is, but yes, as we've described in our
3 pleadings.
4 THE COURT: And whether or not the plaintiff was
5 subject to sexual abuse as a minor is not part of it. I mean,
6 yes, of course, whatever she was when whatever, but that issue
7 we don't have to deal with.
8 MS. McCAWLEY: I'm sorry, your Honor. I think I lost
9 you there. I apologize.
10 So the allegations in the complaint are that when our
11 client came forward and said she was abused by the defendant
12 and Epstein, the defendant came out and said she was lying
13 about that abuse, and some of that abuse did occur when she was
14 a minor.
15 THE COURT: Yes. Well, okay. But there are other
16 things that she sets forth in the Churcher articles, in the
17 motion to intervene, there are a whole series of other things
18 that are -- I mean, there are things that have been said, and
19 my reading of the defendant's statement is, I read it to say
20 all those things are false. But those are not at issue, as far
21 as you're concerned.
22 MS. McCAWLEY: Yes, your Honor. In fact, the omnibus
23 motion we filed today -- and I think, if I'm following you
24 correctly, this may help -- we were trying to streamline the
25 case because there's other individuals, obviously, that my

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1 client made statements about. So we were trying to streamline
2 the case to the statements about Maxwell and her involvement
3 with Epstein.
4 So in the omnibus motion you'll see, for example, that
5 they have claimed she's made statements about other
6 individuals, and we say that that's not what's at issue, what's
7 at issue are the statements --
8 THE COURT: That may be an issue of credibility. That
9 may be an issue of credibility. I'm talking about what we're
10 going to go to the jury on.
11 MS. McCAWLEY: Yes. And that is the statements that
12 Maxwell made about my client.
13 THE COURT: And that's it.
14 MS. McCAWLEY: Yes, your Honor.
15 THE COURT: Let me ask the defense. Does that clarify
16 anything for you?
17 MS. MENNINGER: Could I have one second, your Honor?
18 THE COURT: Sure. Of course.
19 MS. MENNINGER: Your Honor, I think it's slightly more
20 nuanced. Plaintiff has claimed our client's statement is
21 false. Our client's statement is not just limited to the
22 little snippets that they included in their complaint, it's the
23 entire statement. That entire statement talks about Virginia
24 Giuffre's allegations against Ms. Maxwell have been proven
25 untrue.

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1 THE COURT: Yes. But the statement wasn't limited to
2 those allegations.
3 MS. MENNINGER: That's exactly right, your Honor,
4 because right in the middle of that particular statement, the
5 one that's at issue in this case, our client said, "Now her
6 story has grown and evolved, and she's included allegations
7 about world leaders and Alan Dershowitz, which he denies." We
8 can't just take that part out of her statement, that's what
9 Ms. Maxwell put in her statement.
10 And your Honor, what we will ultimately be hearing
11 from Ms. Maxwell about what she believed were the obvious lies
12 that she was referring to and the allegations that she was
13 referring to when she issued that statement.
14 THE COURT: Now, one other question, and then we'll
15 get to the business of the day. I apologize for this
16 diversion.
17 Let me ask you both. Suppose the plaintiff proves
18 that she was sexually abused and that her story is
19 substantially true but she does not prove the role that Maxwell
20 had. Does she win?
21 MS. MENNINGER: No, she loses, your Honor.
22 THE COURT: I think she wins.
23 MS. MENNINGER: Your Honor, the very first --
24 THE COURT: Other than what you've just said.
25 MS. MENNINGER: Your Honor, our client can only be

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alleged to have defamed someone based on facts, not opinions.

THE COURT: Agreed. Agreed.

MS. MENNINGER: And so she can -- the Davis v. Boeheim case is a perfect example of that, your Honor. She can only speak to facts about which she has personal knowledge. If plaintiff goes and proves that plaintiff went and had sex with Jeffrey Epstein at some point in time and our client wasn't there, our client's statement about that would be opinion, it would not be a fact based on personal knowledge.

THE COURT: I mean, okay. But that's an issue of knowledge. That's a different --

MS. MENNINGER: You just said --

THE COURT: That's a different --

MS. MENNINGER: The hypothetical was if our client wasn't involved. If our client wasn't involved then it would be an opinion.

THE COURT: Thanks very much. I'm glad for this clarity, which frankly, at the moment, alludes me.

Okay, let's move on. Yes, I'll hear from the movant.

MS. McCAWLEY: Thank you, your Honor.

The first order of business we'd like to address, if it's okay with the Court, is our filing, which was 691, which is our omnibus motion in limine. And if it's okay with the Court, we've split that up a bit. I'm going to start with respect to that motion in limine.

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1 What we attempted to do with our motion in limine was
2 streamline the trial. And your Honor, based on the comments
3 you've just made, if you want to give me guidance, I'll tell
4 you what I'm thinking with respect to this and what we put
5 forth in our filing.
6 But there are statements that are attributed to my
7 client in other articles and things. For example, there are
8 statements about Bill Clinton being on the island, and the
9 defense wants to bring in those statements to show that -- they
10 believe they can show evidence that he wasn't on the island, so
11 therefore, my client is a liar or is lying about that.
12 Now, your Honor will remember, back in June we sought
13 to depose him because we were concerned about that fact, that
14 they were going to raise it, and we wanted to have him under
15 oath --
16 THE COURT: Let's back up a little bit.
17 MS. McCAWLEY: Sure.
18 THE COURT: What and where was the statement made?
19 MS. McCAWLEY: The statement was made in a March 5th
20 article. So not the two articles we showed you yesterday --
21 THE COURT: The Churcher article.
22 MS. McCAWLEY: Yes. But it was another article that
23 came out in March of 2011.
24 And the statement was with respect to my client saying
25 she saw him on Epstein's island. She was introduced to him

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1 there. Although no allegations of trafficking or anything of
2 that nature, just that she was there. And they are seeking to
3 introduce evidence through Louie Freeh, who we'll discuss in a
4 moment, they've proposed, and he's clearly an expert that was
5 undisclosed, and through a FOIA record, and through the
6 articles to allege that he wasn't on the island.
7 And so in your Honor's order in 264-1, which is one of
8 the sealed orders, you did not allow us to depose him because
9 you said it was irrelevant.
10 So we're now in a position where at trial they want to
11 put forth that information against my client, and I don't have
12 an under-oath statement from that individual saying whether or
13 not he actually was.
14 Now, what we know is he flew with Jeffrey Epstein at
15 the same time 19 different times internationally and
16 nationally, but we don't have him with respect to this
17 particular allegation under oath. So we would say it would be
18 highly prejudicial for them to be able introduce evidence
19 saying that he wasn't there or that they have some proof or
20 some expert saying he wasn't there when, in fact, we weren't
21 able to ask him directly, the person who is at issue, under
22 oath, whether or not he did, in fact, go there.
23 So one of the streamlining of this case is that
24 allegation has nothing to do with sexual abuse, it doesn't have
25 to do with the statements --

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1 THE COURT: It has to do with credibility.
2 MS. McCAWLEY: Well, your Honor, I would say, if
3 you're inclined to think that that has --
4 THE COURT: Well, look. I'm no genius. I don't claim
5 any -- but you know, that is precisely what the defense is
6 going to say.
7 MS. McCAWLEY: Right. I understand, your Honor. And
8 that's why we sought to depose him because it's inherently
9 unfair --
10 THE COURT: Okay. So you would say I made a mistake.
11 MS. McCAWLEY: No, your Honor. I think it should be
12 excluded, and in my view, I think it's not relevant to the
13 issue at trial here. But they are, of course, going to argue
14 that it is and that they want to bring that in. In fact, like
15 I said, they've got lined up Mr. --
16 THE COURT: Well, on the question of credibility, why
17 isn't it relevant?
18 MS. McCAWLEY: Because the statement -- so this case
19 is about whether or not she was sexually abused and
20 trafficked --
21 THE COURT: Now, that's where I started out. Is it
22 about that? If that is your position, that's something else.
23 If it's a question about her sexual abuse, in addition to, then
24 that's something else. But you just said it isn't about that,
25 it's just about Maxwell and did she tell the truth about

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1 Maxwell.

2 Well, I suppose, I suppose -- I haven't heard the

3 other side and I haven't really thought it all out -- but I

4 suppose if she is untruthful in other instances, that may be

5 relevant to her credibility.

6 MS. McCAWLEY: Well, your Honor, if that's the Court's

7 position, again, we would be in a circumstance -- I mean,

8 there's a couple reasons why the evidence itself that they want

9 to put forth doesn't come in.

10 THE COURT: Well, that's a different thing.

11 MS. McCAWLEY: Sure. That's part of our motion, as

12 well, your Honor.

13 THE COURT: Sure. I read that. I understand that.

14 MS. McCAWLEY: Right. So on the same note, since

15 we're talking about this, I'll just tick off the few that fall

16 within this category, if you don't mind. I understand, your

17 Honor's position, so --

18 THE COURT: Well, I'm not sure what my position is

19 right now.

20 MS. McCAWLEY: Okay. So with respect to -- there's

21 another category where there's been statements where my client

22 said that she was trafficked to foreign presidents and world

23 leaders that they want to bring into evidence. And in order to

24 streamline the case, we've said, well, there's none of those

25 people on the witness list, and just statements in an article

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1 of that nature shouldn't be able to come in. Because when we
2 talk about a character issue, what's at issue here is
3 reputation, and reputation to show the truthfulness of that
4 would not be able to be proven in that circumstance because we
5 don't have the other individuals there to make that statement,
6 so there's no substantive evidence on that point that would be
7 coming in.
8 And the third category is with respect to
9 Mr. Dershowitz, who is on the defendant's witness list for
10 trial, and we have a few points there to raise. I mean, one is
11 obviously that if that were allowed to come in, that causes the
12 trial to become a mini trial about whether or not he, for
13 example, was in the places where she says he was, his
14 calendars, his credit card receipts, his telephone records, all
15 of that. It gets into the issue, you know, obviously we have
16 another witness who says that they were in a similar
17 circumstance with respect to him. So it takes the trial away
18 from whether or not the allegations relating to Maxwell are
19 true or false and turns it into a trial about another
20 individual who we have not made a claim against who comes in.
21 There's also a problem with respect to that because he
22 is also -- he has claimed attorney/client privilege as to his
23 conversations and his advice with respect to Epstein which
24 relates to the issues with Maxwell. So in other words, he
25 would be able to testify what he says he didn't do, but then

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1 any questions we wanted to ask him about Epstein or Maxwell he
2 says he's got an attorney/client privilege. So we're hand-tied
3 because we can't ask about the issues that we need to ask about
4 with respect to that witness. So in my view, it's highly
5 prejudicial to have him as a witness at trial when, again, our
6 claims are not against him, and we have those issues.
7 Now, you did have -- in your February 2nd order, you
8 also precluded us from asking questions that we contended were
9 non-Fifth Amendment questions of Jeffrey Epstein about
10 Dershowitz, holding that those were not relevant. So we're in
11 a situation where we have another witness that we are not able
12 to elicit all of the information we need to be able to prove
13 the truth or falsity of that, and again, it would be subject to
14 a number of mini trials on that issue of Mr. Dershowitz.
15 So with respect to those three categories -- and it
16 also allows them to use the attorney/client privilege as a
17 sword and a shield in the midst of a trial, which is inherently
18 unfair to my client, as well.
19 So in our view, it's highly prejudicial under 403.
20 Those groupings should not come in. It should not be about,
21 for example, Clinton and whether or not he was on an island, or
22 Mr. Dershowitz or these other world leaders, it should be about
23 the defendant and her statements that my client was lying when
24 she claimed to be abused and trafficked in those statements.
25 THE COURT: Just a second.

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1 MS. McCAWLEY: Sure.
2 THE COURT: What you just said, could you repeat what
3 you just said?
4 MS. McCAWLEY: Yes. So the statements that
5 Ms. Maxwell denied were statements that my client made that
6 defendant and Epstein trafficked her, brought her in, had her
7 participate in the sexual abuse of her and other females, she
8 was in that circumstance, she lived that circumstance for a
9 period of time, and so Maxwell came out and called my client a
10 liar, said she was lying about those statements that she made,
11 and said that, obviously, as you know, to the international
12 press about my client and what her experience was with them.
13 So with respect to that, your Honor, those are the
14 categories that we believe would help streamline the case, and
15 again, that those witnesses would be highly prejudicial.
16 On the issue of the information that they'd like to
17 put in with respect to Mr. Clinton, they have Louie Freeh who
18 they've identified. This is a former FBI director.
19 THE COURT: I know.
20 MS. McCAWLEY: You know, yes. So they've put him in
21 without giving us a Rule 26 expert report. He was never
22 disclosed during the time period. His report or what he's
23 going to say, as we understand it, is that he's reviewed the
24 FOIA response and that there's no evidence in his view that
25 Clinton was on this island, again, even though he flew

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1 regularly with Mr. Epstein to other places.

2 So again, we didn't get to depose him as an expert in

3 this matter. We didn't know that he was going to be called as

4 an expert. They're saying he's a lay opinion because he's a

5 private investigator, your Honor. The case law says otherwise.

6 He's been certified as an expert in these exact kind of cases.

7 We put those in our brief. So your Honor, he is really a wolf

8 in sheep's clothing. They're trying to put him on as a lay

9 opinion when he's really an expert witness in this case with

10 sufficient and sophisticated knowledge, that the jury will

11 recognize him as someone who has expertise in this area so,

12 your Honor, we believe he should be precluded from testifying.

13 He has no personal knowledge, it's simply his reliance, as we

14 understand it, on the one FOIA response letter.

15 So your Honor, with respect to the FOIA response

16 letter that's at issue that they are going to try to get into

17 evidence, we've put forth in our papers, again, that's a

18 hearsay document. It's highly prejudicial under 403. They say

19 that it meets self-authentication, but unlike the documents

20 that we showed, for example the 302 that have the seal on it,

21 it has none of those qualifications.

22 They cite to two cases, the Zamara case and the Gary

23 case. Both of those involve getting into evidence underlying

24 records that were produced by the government, not a FOIA

25 letter. So what they're trying to produce is a letter that

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1 says we've looked and we can't find these records that you've
2 requested.
3 Now, it doesn't address the fact that the government
4 only typically retains records for a few years when they were
5 requesting records from 15 years ago, so it doesn't have the
6 indicia of trustworthiness to be able to say that this is
7 actually the fact because, of course, as we know, the
8 government regularly has to get rid of records.
9 So to use this letter to say, 'Ah-hah, he was never on
10 the island,' when we never got to examine him under oath and
11 say, 'You traveled with him a bunch. Did you also go to the
12 island? My client says she met you there.' We didn't get to
13 ask those questions, so we're in a situation now where that
14 letter coming in would be highly prejudicial because the jury
15 will wonder, well, what does he have to say about this? And we
16 haven't been in a position to be able to do that.
17 So your Honor, for all those reasons we believe that
18 Mr. Freeh should be excluded, the FOIA letter should not come
19 into evidence, and again, we believe that the issue of
20 Mr. Clinton should not be an issue relevant to this trial.
21 Next, your Honor, they also seek to include
22 statements, hearsay statements and newspaper articles about
23 Prince Andrew, and it's actually not his denial, as I
24 understand it, Buckingham Palace's denial of the allegation of
25 my client. But again, Prince Andrew is not on the witness

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1 list, we're not able to cross examine him, so what they want to
2 do is introduce triple hearsay of Buckingham Palace saying what
3 Prince Andrews said in a news article without the reporter
4 against my client without our ability to cross examine him on
5 that.
6 So your Honor, they've tried to argue a little bit of
7 a securitous way, I think that it's a verbal act on behalf of
8 Prince Andrew, it doesn't meet that criteria, there's been no
9 statement by -- there's been no action by my client against
10 him, and what's at issue in this case is, again, Maxwell's
11 statements against my client.
12 The case that they cite actually, the Minemyer case,
13 goes against them. It actually talks about how you would have
14 to call the reporter, that that couldn't come into evidence.
15 And so, your Honor, for those reasons, we believe that, again,
16 that's a distraction, it's highly prejudicial to allow a triple
17 hearsay document like that to come in without our ability to be
18 able to cross examine that individual. So for those reasons,
19 your Honor, we believe that that should not come in.
20 They also made an argument that it's somehow an
21 intervening cause or that, you know, it goes to the issue of
22 she should be seeking damages from Prince Andrew, things of
23 that nature. But as we know, because your Honor reviewed the
24 case law with respect to the summary judgment, each individual
25 is responsible for their own defamation, so it doesn't come

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1 into consideration whether she could have sued six people for
2 it, 20 other people for it, this case is about Maxwell and her
3 defamation against my client.
4 So again, your Honor, if you look at Sack on
5 Defamation, it addresses that directly, and we believe that
6 that should not come into evidence.
7 So your Honor, that's the first chunk of the omnibus
8 motion that I was addressing. I'm not sure how you want to
9 take it, if you want to have opposing counsel speak on those
10 issues now and then move to the others, or if you want us to
11 keep moving through it?
12 THE COURT: What's your preference?
13 MS. McCAWLEY: I think keep moving through it would be
14 great.
15 THE COURT: What?
16 MS. McCAWLEY: To keep moving it through it, if that's
17 all right, so we can get through argument and then have them
18 address it?
19 THE COURT: Sure.
20 MS. McCAWLEY: Thank you, your Honor.
21 MS. SCHULTZ: Your Honor, this is Meredith Schultz for
22 the plaintiff. The next article in the omnibus motion is to
23 exclude testimony references to prior sexual assault. This is
24 an issue that I spoke on yesterday related to another motion
25 regarding the same, so I'll keep it brief.

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1 But prior sexual assault, all of which occurred while
2 Ms. Giuffre was a child, it's irrelevant to this action. It
3 doesn't come in under 401. It doesn't involve defendant. It
4 predates even meeting defendant. And these assaults do not
5 make it more or less probable that defendant defamed
6 Ms. Giuffre, and neither does it tend to prove or disprove that
7 defendant abused her.
8 These are also classic examples of evidence that
9 should be excluded under Rule 412. The Rape Shield Law forbids
10 evidence concerning these unrelated events involving
11 Ms. Giuffre. This rule should be strictly enforced,
12 particularly because these events happened when she was 14 and
13 15 years old. Rule 412(a) bars this evidence if it's offered
14 to prove that she engaged in any type of sexual behavior to
15 prove any type of disposition.
16 It should also be excluded under Rule 403. This is
17 extremely prejudicial, and because it is irrelevant, it would
18 only encourage the jury to view Ms. Giuffre, a married mother
19 in her 30s, as an immoral person for having sexual contact with
20 individuals as a child.
21 This should also be excluded under 608(a), which
22 limits interaction of evidence for specific instances of
23 conduct in order to attack the witness' character for
24 truthfulness. Now, I spoke about this at length yesterday.
25 Defendant tries to offer two particular things to say that, oh,

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she wasn't truthful about something, about being sexually assaulted, but the documents themselves describe something that's unequivocally sexual assault under Florida law, something that is unequivocally nonconsensual. So that would honestly be another mini trial and would take us far afield of what facts are relevant to this case.

And again, any minor probative value that's past sexual assault that Ms. Giuffre experienced as a child is completely swallowed by the prejudicial effect on the jury.

MR. CASSELL: Your Honor, I think I'm the next one up. For purposes of clarity, we're up to point number 7 in our omnibus motion.

This one I think is just a very simple and straightforward one. We move to exclude derogatory sexual characterizations. This is a case that your Honor has been framing this morning. It doesn't require use of a term from defense counsel, for example, describing our client as a prostitute or as a slut. We thought we would get agreement when we saw the responsive papers from the defense, but as you know, they objected in it's entirety to this motion, so we're here asking that defense counsel not refer to our client as a prostitute, not refer to her as a slut, and they also advise their witnesses that such language would be inappropriate in a federal trial dealing with a defamation issue.

On this particular point about prostitute, it's

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1 interesting. Am I conjuring up something that's not going to
2 happen? No, your Honor. The defendant's own expert report
3 described our client as a prostitute. Your Honor has under
4 advisement the expert report from Dr. Esplin, and so I deposed
5 Dr. Esplin, and I said, "Are you sure that's an accurate term
6 in the context of this case? Because we have a child who
7 cannot consent to sexual activities." And he backed off
8 immediately and agreed that that was an inaccurate term for him
9 to use to describe my client, Ms. Giuffre. So even the
10 defense's own expert says the term "prostitute" is
11 inappropriate.
12 Your Honor has authority, of course, under Rule 611 to
13 manage the trial, to avoid undue harassment or embarrassment.
14 Also Rule 403 allows you to restrict things that would be
15 substantially prejudicial with no probative value, which is
16 exactly what we have here. So we would ask you simply to reign
17 in derogatory language, both from witnesses and opposing
18 counsel.
19 MS. SCHULTZ: Your Honor, I'll be addressing the next
20 several points in the omnibus motion, starting with number 8.
21 I think I can narrow this issue a little bit at the outset.
22 Ms. Giuffre concedes here that illegal or
23 nonprescription use of drugs during the years that she was with
24 defendant is admissible. However, any evidence pertaining to
25 any use of drugs, illegal or not, and alcohol from any periods

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1 before or after Ms. Giuffre was abused by defendant is
2 irrelevant to this action and should be excluded under Rule
3 401.
4 It is also, of course, highly prejudicial and should
5 be excluded under Rule 403. Whether or not Ms. Giuffre ever
6 used drugs while not being abused by defendant does not go to
7 any claim or defenses in this case.
8 Courts in the Southern District of New York routinely
9 exclude evidence of prior drug use under both of these rules,
10 as fully briefed in the papers. Defendant attempts to admit
11 this evidence of prescription drug use related to damages,
12 specifically whether or not the emotional distress Ms. Giuffre
13 suffered is preexisting.
14 THE COURT: And why do you have it in your expert's
15 report?
16 MS. SCHULTZ: Well, our expert is -- I'm assuming
17 you're referring to Dr. Kliman, who is a physician. He's a
18 medical doctor. He took a full --
19 THE COURT: There's a whole thing about it. Are you
20 going to withdraw the --
21 MS. SCHULTZ: No, your Honor. We're only claiming
22 damages with respect to the emotional distress suffered from
23 the defamation. And also, taking drugs prescribed for various
24 mental health issues is not the same thing as emotional
25 distress. They're two different issues. So any marginal

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1 probative value is outweighed by the prejudice. Again, this is
2 only seeking damages based on defendant's defamation.
3 I'm going to move on to point number 9. Ms. Giuffre
4 seeks to exclude any alleged criminal history from coming into
5 this case. And the Federal Rules of Evidence bar the
6 introduction of this evidence, full stop.
7 As the Court is aware, the only way criminal history
8 could come into evidence is through Rule 609, but that rule
9 itself bars this evidence because, one, there's no conviction,
10 and two, the alleged crime does not go to truthfulness.
11 Of the two parties, your Honor, Ms. Giuffre is the
12 only one who has not been convicted of a crime here, this is
13 merely an alleged prior bad act which is excluded under Rule
14 404.
15 And this alleged act, which Ms. Giuffre denies, does
16 not go to truthfulness, and that's an important point here. An
17 accusation of a crime with no conviction does not go to
18 truthfulness, especially a crime like this, which specifically
19 is defendant says she stole from a tip jar when she was a
20 teenager. Knowing that this type of evidence is excluded,
21 counsel for defendant has put forth an unsupported argument
22 that Ms. Giuffre left the United States because of allegations
23 that she stole from a tip jar. That is, of course, false. She
24 left the United States to get away from defendant's abuse.
25 And moreover, the documentary evidence in this case,

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1 which has been produced in discovery and submitted to this
2 Court, shows that it was defendant who sent her to Thailand,
3 sending her with handwritten instructions about what to do when
4 she gets there. So if this unsupported argument that defendant
5 left the United States because of some accusation of a tip jar
6 is to be believed, then that makes defendant an accessory after
7 the fact and implicates her in the wrongdoing.
8 So I don't -- basically, there's just -- this argument
9 is also undone by the fact that later, Ms. Giuffre comes back
10 to the United States to live here. She's not fleeing
11 accusations, she was fleeing defendant. If she were worried
12 about criminal liability in the United States, she wouldn't
13 come back to live here.
14 But the overall point is any marginal probative value
15 from these allegations, which I don't think there is any, but
16 it's far vastly outweighed by the prejudice it would cause
17 Ms. Giuffre and should be excluded under all those rules.
18 Moving now to point 10. Ms. Giuffre has requested
19 that the Court exclude any evidence regarding special
20 schooling, truancy, and juvenile delinquencies. For this
21 argument, your Honor, I request that I approach the bench and
22 give you a few documents upon which these arguments are based.
23 I have four documents that I'm handing up.
24 I have to get a little bit into the weeds here, so
25 please bear with me. In this case, Ms. Giuffre -- well, school

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1 records have been part of discovery. They show a history of
2 rampant truancy and failed courses. This constitutes prior bad
3 acts which are excluded under Rule 404, particularly since
4 these bad acts do not go to truthfulness, so they're also
5 excluded under Rule 608.
6 They should also be excluded because their prejudice
7 that it would cause Ms. Giuffre greatly outweighs any probative
8 value and should be excluded under 403.
9 There's a huge remoteness issue here, your Honor.
10 These truancies and juvenile delinquencies took place many
11 years ago when she was a minor. There's a lot of case law on
12 this that is in Mr. Giuffre's brief on page 22 to 23. But what
13 you should be aware of, your Honor, is that a close examination
14 of records, looking up what the number codes on these
15 transcripts actually mean, it shows the opposite of the
16 argument that defendant advances in her response brief; that
17 she was in school, and therefore, not abused by her client.
18 To the contrary, the records show that she was not in
19 school over half the time she was supposed to be and did not
20 complete her courses. These transcripts are not
21 self-explanatory. Indeed, looking at the face of them, it
22 seems like she was enrolled and attending school, but much of
23 the information in these records are number codes used by the
24 Palm Beach County School District. These school records could
25 not be placed into evidence for all the reasons above, but if

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1 you are inclined to do them, you could not place them into
2 evidence fairly without testimony regarding what all these
3 codes on the transcripts mean, or at a bare minimum, the
4 introduction of evidence and instruction that makes explicit
5 what all the codes on the transcripts mean.
6 Defendant either failed to do her due diligence on
7 this and looked at what the codes are before advancing this
8 argument, but either way, it's not a good faith argument
9 because, as you can see in the document I handed up, these
10 codes and their meanings were detailed at length in
11 Ms. Giuffre's opposition to the motion for summary judgment,
12 and I would ask the Court to refer to the facts at page 32 of
13 the statement of facts.
14 So what the records actually show is rampant truancy,
15 years of absence from school while defendant was abusing her,
16 which show ample opportunity for abuse, and are, in fact, in
17 accord with the flight records, which have also been produced
18 in this case, which place Ms. Giuffre on 23 flights with
19 defendant aboard Jeffrey Epstein's private plane.
20 So as these records actually show truancy, failed
21 grades, failure to complete courses, these should be excluded
22 under all the rules I cited earlier, or at a bare minimum,
23 instruction to the jury about what the codes mean and detailing
24 how many days of school Ms. Giuffre actually attended, a number
25 that is conspicuously absent from defendant's brief.

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1 Turning next to plaintiff's motion in limine number
2 11. This is a related issue. We ask that the Court exclude
3 characterizations of Ms. Giuffre's bad behavior during her
4 childhood, including characterizations of her as a bad child or
5 a runaway. Defendant's response to this tries to conflate two
6 separate things; prior bad acts, an assault on her character on
7 one hand, with a reputation for truthfulness of another.
8 Prior bad acts she may have committed as a child, like
9 running away, is inadmissible and a defamation action where the
10 damages relate to her reputation. That she ran away from home
11 or was an ill-behaved child does not go to truthfulness.
12 These events also do not go to her reputation. Her
13 reputation for truthfulness as an adult prior to the defamation
14 is the only reputation that's at issue in this case.
15 Defendant's defamatory statements damaged Ms. Giuffre's
16 reputation when she was in her 30s. This does not open the
17 door into evidence of Ms. Giuffre's generalized character,
18 particularly one from a troubled childhood. Occurrences, such
19 as running away from her home when she was a child, are simply
20 prior bad acts under Rule 404 that should be excluded. They
21 should also be excluded under Rule 405 because this is
22 introduction of evidence to try to show her character. And
23 Rule 608(a) also limits evidence and testimony about a witness'
24 reputation for having a character for truthfulness or
25 untruthfulness, it doesn't come in under that rule.

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1 Her reputation for truthfulness does not go to any bad
2 acts she may have committed 20 years ago. And your Honor, even
3 criminal convictions are generally not admissible 10 years
4 after the fact. So presentation of this type of evidence is
5 simply nothing more than a smear campaign, which is prescribed
6 by multiple Federal Rules of Evidence.
7 And finally, any marginal probative value of these bad
8 acts as a child is vastly outweighed by the undue prejudice it
9 would cause Ms. Giuffre before a jury.
10 Your Honor, now I'm turning to point number 12. We've
11 asked the Court to exclude evidence relating to the tax
12 compliance of Ms. Giuffre's not-for-profit Victims Refuse
13 Silence. Rule 401 is the first rule under which this should be
14 excluded. The alleged tax compliance of her not-for-profit
15 does not go to whether or not defendant defamed Ms. Giuffre and
16 does not go to whether or not defendant abused Ms. Giuffre.
17 It should also be excluded under 403. It is highly
18 prejudicial. It would give the wrong impression to the jury
19 that Ms. Giuffre's organization is not tax compliant, which, in
20 fact, it is a fact that defendant does not acknowledge in her
21 briefing.
22 Proving whether or not Ms. Giuffre's not-for-profit is
23 tax compliant would also be a mini trial and, frankly, a
24 sideshow to this case.
25 Furthermore, all of defendant's conclusions about

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1 Ms. Giuffre's not-for-profit tax compliance are based on an
2 errant report by her purported expert, an expert who should be
3 excluded from testifying because his report lacked methodology
4 and he opined on topics far afield from his expertise.
5 Second, any allegations that her not-for-profit is not
6 tax compliant is prejudicial, misleading, confusing to the jury
7 because it has nothing to do with the claim at issue in this
8 case.
9 Your Honor, we asked for defendant's tax returns in
10 this case. If they go to truthfulness, as defendant argues,
11 they also go to defendant's truthfulness. At this point, we're
12 not going to get them until the first day of trial, so we will
13 not be able to effectively cross examine defendant on those tax
14 returns, and we won't be able to see until then if she's paid
15 taxes on all the money and gifts and in-kind payments from
16 Epstein that she's received or has kept that away from the
17 government. Unlike Ms. Giuffre's tax information, defendant's
18 tax information goes to our case in chief and is relevant
19 evidence.
20 On point number 13, we move to exclude evidence
21 relating to Ms. Giuffre's alleged tax compliance. Your Honor,
22 this is a defamation action where reputation is at issue. Tax
23 compliance does not go to a reputation, it is a private matter.
24 Second, there is no evidence in this case that any
25 government, either United States or Australia, believes that

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she is noncompliant with her taxes. Defendant's purported expert's evaluation of this is wholly flawed, as explained in Ms. Giuffre's motion in limine on the same.

Similarly, Ms. Giuffre's taxes are wholly irrelevant to this case. Even actions brought by the government, your Honor, where the cause of action is centered on nontax compliance exclude evidence of prior tax noncompliance when it takes the case too far afield of the issue being tried.

Courts also exclude this evidence under 403 if there's no substantial nexus between the alleged tax noncompliance and the matter at hand. Here, defendant fails to show any type of substantial nexus to this defamation claim. None whatsoever.

Additionally, resolving Ms. Giuffre's tax compliance, this is a point that's in dispute among the parties, and resolving such an issue would also involve another mini trial where Ms. Giuffre would put on evidence of her tax compliance and, at the end of that mini trial, the jury would have no more information whether or not defendant defamed Ms. Giuffre when she called her a liar about being sexually abused. Trying to make this an issue, this is simply a device for putting the settlement agreement and the amount between Ms. Giuffre and Jeffrey Epstein into evidence.

As has been briefed extensively, such a settlement payment is tax exempt under the United States law, but that's all this is, it's a device to try to get an improper admission

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1 of a settlement amount between Ms. Giuffre and Jeffrey Epstein.
2 Accordingly, this should be completely excluded because any
3 marginal probative value this has on the claims is greatly
4 outweighed by the prejudice to Ms. Giuffre.
5 I am not up for the next one, so I'm going to take a
6 break. Thank you.
7 MR. CASSELL: Again, your Honor, I'm up to number 14
8 now, the issue of Ms. Giuffre's being a victim of domestic
9 violence. This is not relevant or minimally relevant. It's
10 Ms. Giuffre's burden, of course, to show the emotional distress
11 damages that she suffered as a result of Ms. Maxwell's
12 defamatory statement, and the jury can agree or disagree with
13 whether she's carried her burden of proof.
14 If we understand the defendant's argument correctly,
15 they say, well, this would have been a distressing event in
16 your life and, therefore, we should be free to introduce it in
17 front of the jury. Of course, that argument would allow, if
18 accepted, essentially any bad thing that's happened in any
19 plaintiff's life to be introduced if they seek emotional
20 distress damages because, my goodness, this event here or there
21 had some emotionally distressing effect on you. So it has
22 minimal to low probative value, and the prejudice is very
23 substantial.
24 Your Honor, obviously, has a great deal of experience
25 and are well aware of the domestic violence, blame the victim

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1 attitude that has to be confronted in various cases.
2 Frequently, if there's domestic violence that's at issue, an
3 expert witness comes in to explain to the jury, oh, why didn't
4 she leave? Why did she stay with this fellow who was beating
5 her up? She was free to walk out of the relationship. Why
6 didn't she do so? And there is a whole literature that I know
7 your Honor is familiar with and that we cited in our brief, as
8 well.
9 We don't want to get into that in front of the jury in
10 this particular case. This is a blame the victim tactic that
11 shouldn't be allowed. This has very marginal, if any,
12 probative value and a very significant prejudicial effect
13 because the jury will potentially blame the victim for staying
14 with her abusive spouse.
15 Now, in addition, you'll notice from the pleading that
16 the defendants aren't intent just on asking questions about
17 this, but they also want to go into the whole criminal case
18 against Ms. Giuffre's husband, you know, whether he appeared or
19 what the felony charges are and a variety of things. That,
20 obviously, has even less probative value than the information I
21 was discussing a moment ago and should be independently
22 excluded.
23 The next issue up is item 15. And here, we ask to
24 have excluded any suggestions that sex with a 17-year-old is
25 permissible. You will recall that there's debate about exactly

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1 what years and what birthdays were in play and exactly what
2 Ms. Giuffre said about whether she was 15, 16, or 17. Fair
3 enough. They can cross examine her about, 'Did you say 16 when
4 you were, in fact, 17,' or whatever it is. We're not trying to
5 exclude that.
6 The limited point that we're trying to address here is
7 that they shouldn't say, 'Ah-hah, she was 17, therefore, she's
8 fair game.'
9 Under Florida law that we've cited in our pleadings,
10 there is no possibility of a child under the age of 18
11 consenting to sexual activities of the nature that are at issue
12 here, and therefore, the defendant should be precluded from
13 making that kind of suggestion. And so that's item 15.
14 MS. SCHULTZ: Turning to item 16 in the omnibus
15 motion. Ms. Giuffre has moved the Court to exclude medical
16 records. Here, I would actually like to direct the Court's
17 attention to defendant's response. Defendant here does not
18 cite a single case where a court allowed admission of unrelated
19 and irrelevant medical records into evidence at trial.
20 Defendant's brief also doesn't show how any medical
21 records are relevant here, and there are privacy issues at
22 stake. In fact, defendant does not cite to a single case in
23 which a court allows any medical records into evidence.
24 In defendant's entire response she cites two cases
25 only. Neither of them have anything to do with what documents

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1 might be admitted at trial. Both are orders resolving
2 discovery disputes under Rule 26.
3 Apart from her medical records, while defendant was
4 abusing her, such as when defendant took her to a hospital here
5 in New York when she was only 17, and the psychological records
6 related to Ms. Giuffre, which have been produced, which
7 incidentally are from 2011 and name defendant as her abuser, no
8 other medical records are relevant and should be excluded under
9 Rule 401.
10 Ms. Giuffre is seeking damages for emotional distress
11 from defamation. It does not open up the flood gates to every
12 single medical issue she's ever had in her life. Ms. Giuffre
13 has produced records, everything from treatment for a ferret
14 bite to details of her giving birth. These are not relevant,
15 and we can have a ruling in advance of trial that these things
16 should be excluded.
17 Defendant only seeks to use these records to confuse
18 the issues before the jury. Defendant offers no reason for
19 addressing the relevance of such documents one by one at trial,
20 and I think these can be safely excluded at this juncture.
21 MS. McCAWLEY: Your Honor, next is number 17, which we
22 addressed in our papers, as well, about the prior settlement
23 agreement. You've heard about it in this case, and we have
24 said that that should not come into evidence.
25 I think they'd like to use it to propose that that

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1 amount has something that the jury should consider. Your
2 Honor, the papers set forth very clearly that there's a
3 specific rule of evidence directly on point with respect to
4 settlement agreements, and they can't be used in that manner.
5 Your Honor, we cite to our papers on that with respect
6 to any prior settlement agreement being entered into evidence
7 at the trial.
8 MR. CASSELL: I believe I have the next three.
9 Item 18 then is defamation litigation. And your Honor
10 is aware that there was a separate lawsuit that's spun out of
11 this situation where Cassell and Edwards filed a defamation
12 action in Florida State Court against Alan Dershowitz. Alan
13 Dershowitz then counterclaimed. That was litigated in Florida
14 State Court for about a year. Ultimately, the parties settled
15 their differences in an undisclosed financial arrangements and,
16 as part of the comprehensive settlement, Cassell and Edwards
17 then withdraw summary judgment against Dershowitz.
18 It was as expressly understood when the parties agreed
19 upon this confidential settlement, there was then a statement
20 in which it was said that Ms. Giuffre reaffirms her
21 allegations, and the withdrawal of the reference to the filings
22 is not intended to be and should not be construed as being an
23 acknowledgment by Edwards and Cassell that the allegations made
24 by Ms. Giuffre were mistaken.
25 There was a portion of the statement that talked about

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1 "mistake", and that was indicated in the pleading withdrawing
2 the summary judgment motion as follows: "Edwards and Cassell
3 do acknowledge that the public filing in the Crime Victims
4 Rights Act case of the client's allegations against Defendant
5 Dershowitz became a major distraction from the merits of the
6 well-founded Crime Victims Rights Act case by causing delay
7 and, as a consequence, turned out to be a tactical mistake."
8 "Tactical mistake." "For that reason Edwards and Cassell have
9 chosen to withdraw the referenced filing as a condition of the
10 settlement."
11 That's all a very interesting lawsuit, but that's a
12 lawsuit that does not have Ms. Giuffre as a party. It was
13 Cassell and Edwards versus Alan Dershowitz, with claims going
14 back and forth. Cassell and Edwards were, of course,
15 vindicating their own professional interests and their
16 professional reputation responding to the attacks that had been
17 made by Mr. Dershowitz, and they chose to settle the case, as
18 did Mr. Dershowitz, for undisclosed financial reasons.
19 And also, from the fact I think your Honor is now
20 aware, that there were some witnesses who were not available.
21 Sarah Ransome has come forward in this case to say that she was
22 a traffic to Alan Dershowitz in the same way that Ms. Giuffre
23 alleges, and that was information that has only recently become
24 available.
25 The point is, you have enough business on your hands

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1 without getting into the details of another separate lawsuit
2 that did not involve Ms. Giuffre as a party, and so we've moved
3 in limine.
4 And let me make clear that I emphasize the narrowness
5 of our motion here. We seek to preclude evidence involving
6 that litigation. Your Honor has already heard from my
7 colleague, Ms. McCawley, who has presented our argument for why
8 Dershowitz should not be in this case at all, and of course, if
9 we prevail on point 1, this point becomes irrelevant.
10 But in addition to point 1, we don't need to be
11 getting into the details of the separate lawsuit. It's not
12 relevant to the case of Giuffre versus Maxwell. Defendants, in
13 their responsive brief, if I understand correctly what they say
14 is, oh, well look. Why didn't Ms. Giuffre join the lawsuit or
15 why hasn't she filed a lawsuit against Dershowitz? What's
16 going on there?
17 Well, of course, your Honor is aware, there are a
18 variety of statutes of limitation around the country, and
19 indeed around the world. Ms. Giuffre has not -- those statutes
20 have not all run at this point. There are varying
21 considerations that go into whether or not someone like
22 Ms. Giuffre would file a lawsuit, and these issues shouldn't be
23 discussed in front of the jury. That's nothing to do with this
24 particular lawsuit.
25 Moreover, defendant apparently argues that statements

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1 that Edwards and Cassell made in this other lawsuit are somehow
2 binding on Ms. Giuffre. Edwards and Cassell had separate legal
3 counsel, Florida attorney Jack Scarola. Whatever was going on
4 in that case isn't binding on Ms. Giuffre.
5 Under the relevant rules, an attorney's statements are
6 binding on a client only on a matter within the scope of the
7 relationship. And this was vindicating separate professional
8 interests, this was not vindicating some interest of
9 Ms. Giuffre.
10 So for all those reasons, we ask that the defamation
11 litigation between Dershowitz and Edwards and Cassell be
12 excluded. Of course, you have the separate issue of Dershowitz
13 in front of you already.
14 Let me turn then to point number 19. Here again, we
15 have a narrow issue presented to your Honor. We are asking
16 that you exclude Judge Marra's ruling on the joinder motion.
17 As your Honor is well aware, the triggering event in this case
18 was when Ms. Giuffre, then known as Jane Doe Number 3, filed a
19 motion to join Jane Doe 1 and Jane Doe 2 in the Florida pro
20 bono Crime Victims Rights action.
21 Now, Judge Marra denied that motion to join, but at
22 the same time he said, "The reason I'm denying the motion to
23 join is you can participate in the case in other ways without
24 being a formal party." He cited, and I quote, "Of course, Jane
25 Doe 3 can participate in this litigated effort to vindicate the

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1 rights of similarly situated victims" --

2 THE COURT: I'm familiar with it.

3 MR. CASSELL: Okay. Right. So that's Judge Marra's

4 ruling.

5 And you understand that was obviously on a technical

6 joinder issue. The joinder issue, whether that was a

7 good joinder motion or a bad motion, has nothing to do with

8 whether or not Ms. Giuffre was defamed.

9 THE COURT: How do you propose to handle the joinder

10 motion evidentially?

11 MR. CASSELL: Right. We think the joinder motion

12 should simply come into evidence as the pleading to which

13 Ms. Giuffre -- I'm sorry -- Ms. Maxwell was responding.

14 THE COURT: Lock, stock, and barrel?

15 MR. CASSELL: So we are obviously waiting for guidance

16 from your Honor. For example, if you say, look, Dershowitz,

17 let's just not get into that, that's --

18 THE COURT: That didn't answer my question. Please.

19 MR. CASSELL: I apologize.

20 THE COURT: You talk about many trials, many

21 arguments. You want to put in the entire motion?

22 MR. CASSELL: Yes, unless your Honor -- I want to be

23 direct here.

24 Yes. However, if you say, look, Dershowitz isn't

25 coming into this case, there are some allegations about

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1 Dershowitz that we would then believe, in light of your ruling,
2 should be redacted. But until we have any rulings from your
3 Honor restricting the case, it's our position that all --
4 THE COURT: But you don't have an edited version of
5 the intervention motion that you would like me to consider.
6 MR. CASSELL: We would propose one once we get rulings
7 from your Honor on the motions in limine.
8 THE COURT: By the way, just parenthetically, folks,
9 these motions in limine are good fun, and we're all having a
10 nice time, but they're not binding. I mean by that, I'm
11 expressing my view, or I will, I hope, some day express my view
12 on these issues, but the trial may turn in a different
13 direction and, you know, who knows. Okay.
14 MR. CASSELL: We understand. And one of the reasons
15 we have not proposed a redacted joinder motion, that showed up
16 in a reply brief from the defendant, we didn't move to file a
17 surreply with a possible motion. We think the best way to
18 proceed, and we're happy to get guidance from your Honor, but
19 once we have rulings from you on what's in the case and what's
20 out, then we might go through the joinder motion. But where
21 we're sitting today, the joinder motion goes in in its
22 entirety.
23 But what does not come in is then, all right, that's a
24 legal pleading. Gee, I wonder what happened. Judge Marra made
25 a ruling, we don't need to get into the details of that ruling.

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1 Of course, we would want to explain that there were nine
2 separate reasons why those allegations were included. Judge
3 Marra referred to the first of the nine reasons. We have eight
4 other additional reasons why those were included. It would
5 essentially, again, be a mini trial about, well, what does a
6 joinder motion mean? Did you file under Rule 15? It should
7 have been under Rule 21. What did the judge do?
8 It has no bearing at all on the issues in the case,
9 and it, of course, has very substantial prejudicial effect
10 because it leads to a confusion of the jury. The jury's trying
11 to figure out, well, what's going on in the Crime Victims
12 Rights Act case when the issue is whether or not Ms. Giuffre
13 defamed.
14 Now, there is an issue in their pleadings. They say,
15 well, this could end up being relevant because there might be
16 some kind of a privileged setting issue. Again, I think your
17 Honor correctly was pointing out a moment ago, if things show
18 up in the trial, it's possible that something could change, but
19 we don't anticipate that becoming an issue in the trial at this
20 point. If the issue of whether this was a privileged setting
21 somehow becomes an issue in the case, then it would be time to
22 revisit that during the trial.
23 In any event, issues of whether this was a privileged
24 setting or not aren't litigated in front of the jury, that's a
25 legal issue for your Honor to determine whether the setting was

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1 or was not privileged. We don't take jury evidence on that,
2 you know, Judge Marra's ruling, and therefore, that should be
3 excluded. So that is item number 19.
4 Let me turn then to item 20, and I'm handling that.
5 This is essentially a hearsay exercise. We want information to
6 be excluded regarding Rebecca Boylan. Why? Because Rebecca
7 Boylan has not been deposed and is not going to be a witness in
8 the case.
9 As we understand what the defendant is planning to do,
10 she's planning to call Mr. Dershowitz. Mr. Dershowitz is going
11 to say Ms. Boylan told him that Ms. Giuffre told him something,
12 and so we have the classic hearsay within a hearsay situation.
13 The problem, of course, is that Boylan is not here.
14 The defendant's pleadings say, ah-hah, but this is an
15 admission by Ms. Giuffre, and it would be if Ms. Boylan were on
16 the stand so we could ask her questions about, well, did
17 Ms. Giuffre really say that? And what did she mean? And
18 wasn't she saying that she's been abused by Ms. Maxwell? But
19 they want to skip over that intermediate stuff, have Dershowitz
20 describe what Boylan describes Ms. Giuffre said, and that's
21 obviously -- and then I'm assuming Dershowitz is going to put
22 his spin on what Ms. Boylan allegedly said to him. There are
23 no set of circumstances in which that hearsay within hearsay
24 could be admissible because Ms. Boylan has not been deposed,
25 and is not here, it's rank multiple hearsay.

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1 I am about done at this point.
2 With regard to the remaining issues, you'll be happy
3 to hear that I think things can be sped up. We believe that
4 these issues should simply be, as your Honors I think was
5 suggesting a moment ago, deferred to trial.
6 Items 21, 22, 23, 24, 25, 26, 27, 28, and 29, those
7 were sort of just kind of protective measures. The one
8 footnote or caveat we would add to that, your Honor. We think
9 this gets punted to the trial, but we would simply ask your
10 Honor to direct defense counsel before they let the cat out of
11 the bag on any of these that there be a sidebar or hearing
12 outside of the jury just so that, you know, our motion in
13 limine doesn't become moot because they've already effectively
14 put it in front of the jury.
15 The one that's of particular concern is alleged bad
16 acts by the defense team. At various points, I think your
17 Honor, unfortunately, has seen some, you know, frankly
18 aggressive language directed to the plaintiff's team here by
19 the defense team. We're prepared to respond to each and every
20 one of those allegations. We've tried not to get into the back
21 and forth because we think it's irrelevant.
22 But if there was to be some kind of an attack launched
23 on any of the members of the Boies Schiller Firm, of Brad
24 Edwards, myself, we would ask that we be given leave to address
25 that at sidebar, in-camera, or outside the presence of the jury

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1 so that we can keep the fact that we have done something bad
2 that should then be held against our client away from the jury.
3 But all these remaining things we are in agreement, I
4 think with the suggestion you were perhaps making a moment ago,
5 we can deal with these issues at trial.
6 That's our omnibus motion in limine, your Honor.
7 THE COURT: Thank you.
8 MS. MENNINGER: The omnibus motion reads like a list
9 of everything plaintiff has lied about or anything that would
10 undercut her claim for damages.
11 Plaintiff quoted Passim in her reply brief from a
12 particular federal evidence treatise, and I would like to tell
13 the Court, she left out the most important parts, and that is
14 the ones that relate to 405(b).
15 As that treatise reads, "Character is an element of a
16 defense in a defamation case if the defending party claims that
17 the statements in question are true and seeks to prove that the
18 plaintiff has the character ascribed to her or to reduce
19 damages by showing that her reputation is so bad the statement
20 did no harm.
21 "In such cases, pursuant to Rule 405, all forms of
22 character evidence are admissible wherever relevant, including
23 opinion, reputation, and specific instances of conduct."
24 As your Honor found in our motion to dismiss ruling of
25 February 29th of last year, "Though defendant never called

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1 plaintiff a liar, to call her claims obvious lies that have
2 been shown to be untrue demands the same meaning. Plaintiff
3 cannot be making claims shown to be untrue that are obvious
4 lies without being a liar."
5 Ms. Maxwell has stated in her answer after that that
6 her statement was true; that is, plaintiff is a liar. She is
7 thus entitled by Rule 405 to introduce all forms of character
8 evidence, including specific instances of conduct, opinion, and
9 reputation.
10 What does that evidence look like? Plaintiff's mother
11 described her as a liar, plaintiff's fiance described her as a
12 liar, plaintiff's employer from 2002 described her as a liar.
13 Your Honor, I would like to start with the first one
14 that plaintiff started with, and that is motion in limine 2,
15 which is Bill Clinton being on the island.
16 Ms. Maxwell is going to testify at this trial, and
17 she's going to testify regarding the obvious lies that
18 plaintiff told her. One story that plaintiff has told is that
19 Ms. Maxwell was on the island with Bill Clinton and herself at
20 a dinner party. If I may approach, your Honor? I have three
21 exhibits. Two for now.
22 THE COURT: I think in duplicate, to the extent that I
23 think.
24 MS. MENNINGER: I'd like to first direct the Court's
25 attention to the news article by --

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1 THE COURT: I've read it.
2 MS. MENNINGER: -- Sharon Churcher.
3 THE COURT: Yes, I've read it.
4 MS. MENNINGER: Okay. It's the one in which
5 Ms. Giuffre, on March 5th, 2011, gave a long and lengthy
6 interview to Sharon Churcher describing her experience on the
7 island with Bill Clinton, with Al Gore, with Al Gore's wife,
8 with all kinds of famous people. And the island event featured
9 large and media coverage. If you notice the date of that
10 article, your Honor, it's March 5th, 2011.
11 The next document I provided is a press statement
12 issued by Ghislaine Maxwell on March 10th, 2011, so five days
13 later, in which she writes, care of her attorneys, "Ghislaine
14 Maxwell denies the various allegations about her that have
15 appeared recently in the media. These allegations are all
16 entirely false."
17 Your Honor, the last document I would like to direct
18 your attention to -- by the way, after Ms. Maxwell published
19 this press release, Virginia Roberts did not sue her, she did
20 not claim that she had been emotionally distressed or injured
21 by being called, essentially, a liar in this particular press
22 release. And also, with respect to the Bill Clinton article,
23 your Honor, the evidence at trial will show a substantial
24 number of emails between Virginia Roberts and Ms. Churcher
25 contemporaneous with this article. In none of them does she

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say, 'You got it wrong. I never saw Ghislaine Maxwell on a helicopter with Bill Clinton. I never said that to you,' she did none of that.

So your Honor, the last document, and it really, I think, actually helps clarify the question your Honor raised when you came out to court this morning, is an email. It's an email from Ghislaine Maxwell to Alan Dershowitz, January 6, 2015, and it has a document attached called "Four Press Complaints".

Your Honor will notice that this document is not marked confidential, it was produced by Ms. Maxwell over a year ago, it is marked Ghislaine Maxwell 0006, and it's a communication between herself and Alan Dershowitz, someone with whom she does not have a joint defense agreement, and that's why she produced this email.

Your Honor, this email, as you can tell from the date, was sent four days after the allegedly defamatory statement at issue. It reflects Ms. Maxwell's dossier of all of the statements from the papers that have been shown to be completely untrue or show inconsistency in her story. Each article is listed so you can find that link that references the lies are inconsistencies.

Your Honor, if you look at this document that was sent just a few days after the January 2nd email, and you turn to page 3, which is actually the attached document, "Four Press

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1 Complaints", because Ms. Maxwell says she's preparing a press
2 complaint in the UK, in other words a legal action, the third
3 page, your Honor, is the document that was attached that was
4 produced over a year ago.
5 How this document reads at the top, "Drafted by
6 Ms. Maxwell. I have copied direct lines and quotes from
7 articles, and my comments are in orange after the quote. The
8 relevant article that the quotes came from is listed below the
9 last quote. Below, I think, are some of the irrefutable
10 contradictions and interesting additional details that can be
11 used in the letter to the mail and in the following press
12 complaints. In addition, this article on Rothstein you may
13 find helpful.
14 "What is the number one lie that Ms. Maxwell points
15 to? Number 1. Bill Clinton identified in lawsuit against his
16 former friend and pedophile Jeffrey Epstein who had regular
17 orgies."
18 And then Ms. Maxwell's commentary directly afterwards,
19 in a quotation, "Huge problem is that Clinton never came to the
20 island."
21 Your Honor, in plaintiff's response -- excuse me --
22 reply brief, they claim Ms. Maxwell had no knowledge in early
23 January, 2015 that Bill Clinton had never been to the island.
24 Obviously, she had knowledge of that because she was claimed to
25 have been there with him and claimed to have flown on a

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1 helicopter with him by plaintiff in her Sharon Churcher
2 published articles.
3 And here, in January of 2015, Ms. Maxwell is saying he
4 was never on the island. It doesn't depend on Louie Freeh or
5 anybody else. That's obviously -- in this particular email,
6 your Honor, she's cataloged all of the changed stories of
7 Virginia Roberts, all of the lies Virginia Roberts has told,
8 all of the different news articles in which those lies were
9 told, and said that this is going to be the basis of her press
10 complaint in the UK.
11 Likewise, on the next page, your Honor, GM009, at the
12 bottom, again, she specifically refutes the claims about Bill
13 Clinton being on the island and says, "He was never there."
14 Right after that, she says, "Virginia discussed that Al Gore
15 and his wife Tipper were also guests on the island." And
16 Ms. Maxwell writes, "They have also never been on the island,
17 and I don't believe they even know Jeffrey Epstein."
18 So when the jury is asked to consider what Ms. Maxwell
19 meant when she issued, through her attorney and her press
20 agent, the January 2nd, 2015 statement, we have a
21 contemporaneous document drafted by her that was produced in
22 discovery a year ago. None of it refers to the Jane Doe 102
23 complaint, none of it refers to the CVRA joinder motion. None
24 of it. It refers simply to press allegations that have been
25 floating around about her and about her involvement with

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1 Jeffrey Epstein and Virginia Roberts.

2 Plaintiff's counsel has said statements made in the
3 newspaper articles are hearsay. That is often true, but when
4 it's plaintiff's statement in a news article, it's called a
5 party admission.

6 Plaintiff complains that she didn't have the
7 opportunity to depose President Clinton. Your Honor,
8 plaintiff's counsel sought to depose President Clinton in their
9 reply brief at the end of June, 2016, about a week before
10 discovery was to close. They didn't even mention it in their
11 opening brief, they raised it in docket number 211.

12 In that request, which I didn't have an opportunity to
13 object to because it came in reply, she said she wanted to
14 depose him to, "establish his close personal relationship with
15 Epstein", she said nothing about wanting to see whether he had
16 been on the island, whether he flew in a helicopter, or
17 anything like that.

18 With regard to Louie Freeh, your Honor, we disclosed
19 him as a witness in our Rule 26 disclosures last March --
20 excuse me -- February of 2016. Plaintiff made no effort to try
21 to depose him, made no effort to find out his basis of
22 knowledge. We produced in discovery his report in which he
23 submitted a FOIA request.

24 Yesterday, you will recall Ms. McCawley testifying
25 about how she, herself, issued a FOIA request and got in

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1 response an FBI 302 motion -- excuse me -- statement of -- she
2 claims is authentic, but she doesn't know how it was redacted,
3 doesn't explain how it's redacted, but she wants to admit that
4 into evidence.
5 We are actually offering to put on the stand the
6 person who submitted the FOIA request to explain what was
7 requested and what was received. That is not expert testimony,
8 your Honor, that's chain of custody.
9 With regard to motion in limine number 5, evidence of
10 denials by Prince Andrew and Buckingham Palace. Again, your
11 Honor, in a defamation case -- and I'm now quoting from
12 plaintiff's treatise that they cited throughout their response
13 and their reply -- excuse me -- "In defamation cases,
14 defendants can also prove that other liables and rumors about
15 the claimant are circulating, at least if they are widespread,
16 to demonstrate that it is not what the defendant said about the
17 plaintiff that causes her reputation to suffer but what others
18 said."
19 Plaintiff also cites Sack of Defamation. He supports
20 our position, your Honor. Here, we have a statement by
21 Buckingham Palace that was issued on the internet and widely
22 circulated. There is also a videotape of Prince Andrew denying
23 Virginia Roberts' claims. Both of those were far more
24 circulated than anything Ms. Maxwell said, as evidenced by the
25 fact that plaintiff can't even find Ms. Maxwell's statement on

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1 the internet anywhere quoted in whole.

2 Also, Alan Dershowitz widely circulated his denials of

3 plaintiff's claims. He was on Good Morning America, he was on

4 CNN's Nancy Grace Show, he was on Fox News. All of those

5 places he called Virginia Roberts a liar, and a serial liar,

6 and other things.

7 We are entitled, your Honor, both through cross

8 examination of plaintiff as well as cross examination of her

9 experts, to challenge whether or not anything said by

10 Ms. Maxwell caused damage to her reputation or whether other

11 people calling her a liar on national news and international

12 news is, in fact, the cause of any damage to her reputation.

13 She is the one, of course, who has put her reputation

14 at issue. Having the Duke of York and Buckingham Palace issue

15 denials is not hearsay, your Honor, it is offered for the fact

16 that the denial was widely circulated and very likely

17 contributed to people considering plaintiff to be a liar.

18 Motion in limine number 6, plaintiff's sexual history

19 and reputation. This salient point, your Honor, of course,

20 again, under 405(b), is that once you have put your reputation

21 for being a liar in question, then other specific instances of

22 false claims become highly relevant and probative of your

23 character for truthfulness, particularly with regard to sexual

24 assault and sexual abuse.

25 Furthermore, your Honor, plaintiff is the one who's

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1 claiming she has damages of post-traumatic stress disorder, and
2 she is the one who is going to call to the stand her
3 psychiatrist to talk about that patient, and she is the one
4 that gave him evidence about these other acts to him and on
5 which he has relied in reaching his conclusions. It is
6 impossible for us to not be able to cross examine her expert
7 about preexisting PTSD caused by incidents and events unrelated
8 to Ms. Maxwell.
9 Motion in limine number 7, whether or not Ms. Giuffre
10 can be called a prostitute. Your Honor, no one in this case,
11 no counsel, nobody that I'm aware of involved with the
12 litigation has referred to Virginia Giuffre as a slut. That is
13 something that plaintiff's counsel has brought up, and you will
14 notice there is absolutely no cite in any record, in any
15 document referring to her as such.
16 What has come up, your Honor, are internet sites in
17 which Ms. Giuffre has been called all kinds of things that are
18 unrelated to Ms. Maxwell, that do not cite Ms. Maxwell. For
19 example, her friends gave interviews to the press in which they
20 described -- and this is attached as my Exhibit L -- described
21 Virginia Giuffre as "a money hungry sex kitten who enjoyed her
22 lavish lifestyle". We cannot talk about plaintiff's reputation
23 on the internet without talking about what is out there on the
24 internet. We cannot cross examine her or cross examine her
25 experts about what her reputation is if we can't ask about

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1 these other things that are circulating about her that have
2 nothing to do with Ms. Maxwell.
3 Mr. Cassell referred to our expert Phillip Esplin,
4 Dr. Esplin, and saying that he agreed not to refer to Virginia
5 Roberts as a prostitute. Your Honor, that came up in the
6 context of a cross examination in which he said he has no idea
7 whether any of her claims are credible or not. He does not
8 believe it's within the province of the psychiatrist to be
9 making credibility determinations. So he was not in any way
10 suggesting, in fact he testified for hours to the contrary,
11 that he knows whether her claims of being a prostitute are true
12 or not true, and he agreed not to talk about.
13 The only context in which I think this comes up, your
14 Honor, are witnesses or people on the internet who have made
15 disparaging remarks about the plaintiff that have to be the
16 subject of her reputation and her request for damages that she
17 says are related to Ms. Maxwell.
18 Plaintiff's drug abuse, motion in limine number 8.
19 They have conceded, as they must, that the period of time about
20 which Ms. Giuffre is testifying is fair game for her discussion
21 of all of her illegal drug use. And it wasn't just
22 prescription drugs, she has testified that she was on a number
23 of different drugs at the time, and that because of those
24 drugs, her memory of events from 2000 are, quote/unquote,
25 foggy. And she says that's one of the reasons she can't

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1 remember the names of the foreign presidents that she was
2 trafficked to, and these other famous people, because she was
3 taking so many drugs she just can't remember.
4 Obviously, your Honor, a witness' ability to perceive
5 and recall and relate events that happened a long time ago that
6 were affected by drug use need to be brought to light before
7 the jury.
8 The second issue, your Honor, relates to the use of
9 prescription medication. What you heard plaintiff say is they
10 would like to introduce evidence that she's taking prescription
11 drugs properly, but they want to exclude us from cross
12 examining her about that to see whether or not she was taking
13 prescription drugs improperly. That's called cross
14 examination, your Honor.
15 Her use of prescription drugs has been well-documented
16 in her doctor's records, and she has made false statements to
17 her doctors regarding her need for prescription drugs. She's
18 gone from one doctor to the next, telling one that she hasn't
19 taken any Valium for years, and then the next one -- and then
20 we have the records showing that that's just not true. She's
21 told doctors that she was stressed out about a big litigation
22 in New York, she told a doctor that in the year 2014, this
23 lawsuit wasn't filed until 2015, so she's made statements to
24 doctors that are inaccurate.
25 Your Honor, her statements reflected in her medical

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1 records may or may not be admissible depending on what she says
2 on the stand, but they are her statements and they are,
3 therefore, potentially admissible as admissions of a party
4 opponent under 801(d)(2).
5 Moreover, her doctor is the one who wants to testify
6 about her need for medications going forward, and he has been
7 the one who's talked about her previous use of medications.
8 Her Colorado doctor testified that she had misled him and not
9 fully disclosed her need for prescription medications, and
10 there's also the question about whether or not, if she opens
11 the door and says she's properly used medications for
12 post-traumatic stress disorder, then we should be able to
13 examine her, not only with respect to that, but her other use
14 of prescription and illegal drugs.
15 And your Honor, I think it is inappropriately limiting
16 to say we can only talk about her use of drugs during the
17 period of '99 to 2002 because any drug use that she has used in
18 the meantime can go to establish whether or not she truly had
19 post-traumatic stress disorder or any other mental health
20 disorder.
21 She has filed a lawsuit asking for $30 million in
22 emotional distress, pain and suffering, and her doctor is going
23 to testify that she needs medications as a part of managing
24 that pain and stress and emotional distress. If she's been
25 using drugs in the interim that may affect her memory, if she's

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1 using drugs now that may affect her memory, or if she's
2 inappropriately used drugs in the meantime, all of that would
3 go to whether or not she truly has the emotional distress that
4 she claims.
5 Motion in limine 9, plaintiff's criminal history. If
6 I understand plaintiff's argument, they do not want her to be
7 cross examined either under 608(b) or 405(b) with regard to a
8 specific instance of dishonesty; that is, her theft from her
9 employer.
10 There are legions of cases, your Honor, that find
11 theft to be a crime of dishonesty and admissible for proof of
12 character of dishonesty.
13 Not only, your Honor, did she get charged by the
14 authorities in Florida with this crime of theft from her
15 employer, an arrest warrant was issued for her, that arrest
16 warrant was outstanding at the time she, quote/unquote, fled to
17 Thailand. That arrest warrant remained outstanding until the
18 year, I think 2009 or 2010, when it was quashed. Plaintiff
19 failed to come back to this country during that entire time.
20 It got quashed because it had been such a long passage of time.
21 THE COURT: Who was the employer?
22 MS. MENNINGER: It was the Roadhouse Grill, your
23 Honor. It was a burger joint. And she was working at that
24 Roadhouse Grill in March of 2002 during the period of time she
25 claims that she was a sex slave. She claimed that she was a

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1 sex slave, that she was getting paid wads of cash, thousands of
2 dollars by Jeffrey Epstein, and this was happening 24/7. And
3 we asked in discovery, and we got a bunch of records, not only
4 of her working at the Roadhouse Grill, but also of her working
5 at a bunch of other restaurants, at a veterinarian's office,
6 all kinds of things during the period of time that she says she
7 was a -- what is commonly known as a sex slave, is how she
8 described it in her papers.
9 Your Honor, she compounded the lie about the theft
10 because she wrote a book manuscript, as you know. And in that
11 book manuscript, she describes that it was not her who took the
12 money from the tip jar, it was her boyfriend, Tony Figueroa,
13 and that's also what she testified during her deposition.
14 She said, for example, that she didn't commit the
15 theft, that he came in at the end of her shift, and while she
16 wasn't looking, he's the one that took the tips.
17 Well, we deposed Tony Figueroa, and Tony Figueroa,
18 your Honor might be surprised to hear, is a gentleman with
19 several felonies to his name, which he gladly recounted on the
20 witness stand on videotape. He talked about all the thefts he
21 has committed, thefts from a video store, he was charged with
22 felonies, he was put on probation for ten years, he recently
23 had gotten out, but he actually denied that he was the one who
24 took the money from the tip jar.
25 So there's the lie, there's the tip jar theft, then

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1 there's the lie about the tip jar theft, and then there is the
2 arrest warrant that was issued that plaintiff left the country
3 for over a decade while that arrest warrant was outstanding.
4 Your Honor, the fact of police contacts during this
5 timeframe, including this one, go directly to other issues,
6 including whether or not plaintiff was truly the sex slave that
7 she describes. She had an opportunity, because she called the
8 police on numbers of occasions during the relevant time
9 period -- she called them to report a theft, she called them to
10 help with a civil assist getting her out of her apartment, she
11 called them for all kinds of reasons -- and at none of those
12 points of time did she tell the police that she was currently
13 then a, quote/unquote, sex slave.
14 Your Honor, the Roadhouse Grill also -- the Mail On
15 Sunday is the one who printed a story about the Roadhouse Grill
16 and confronted her aunt who was being interviewed for one of
17 their stories about it. The aunt was in the process of saying
18 what a great niece she had, and then the news asked her about
19 the Roadhouse Grill theft, and she said, "Wow, I didn't even
20 know that she was working in a burger joint." So it goes to
21 her internet reputation.
22 And finally, your Honor, I think if you look back to
23 that email between our client and Mr. Dershowitz on page GM009,
24 it's one of the lies that our client specifically referred to.
25 She quotes Virginia Giuffre's statement, "Jeffrey bought me

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1 jewelry, diamonds were his favorite, and wonderful furniture.
2 He was paying me very well because I'd give him sex whenever he
3 wanted," to which our client responded, "If he was paying her
4 so well, why steal from her burger job in 2002?" So it's
5 within our client's knowledge on January 6, 2015, and that is
6 an additional reason why it should be admitted going to her
7 state of mind or actual malice, as plaintiff likes to call it.
8 Your Honor, with respect to the school records, the
9 school records are what they are. They explain that she was in
10 school during the entire time she claims that she was a sex
11 slave, it gives her numbers of days of attendance, I don't
12 understand why those records wouldn't be admitted in cross
13 examination of her as to her whereabouts at certain occasions.
14 Plaintiff certainly intends to introduce flight logs to show
15 that she was or wasn't in certain places, so school records
16 show where she was and wasn't on certain dates, and that's
17 important, your Honor.
18 Moreover, plaintiff is the one who told Sharon
19 Churcher about her own problems with school. She told Sharon
20 Churcher, and Sharon Churcher published with her authorization
21 that she went back to school to get her GED, and she wanted to
22 study for massage. She talked about dropping out of school.
23 Police records reflect the fact that she was a truant during
24 this period of time, that her mother was concerned about her
25 abusing drugs and alcohol. The school records intimately

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1 intersect with the entire story that plaintiff has told about
2 being a sex slave in the years 1999 to 2002.
3 Also, your Honor, they go to damages because plaintiff
4 has claimed that she should be entitled to a certain amount of
5 damages, and her own experts have talked about her being a
6 troubled child. Again, this is something that they told their
7 psychiatric expert, and he relied on finding that she was a
8 troubled child, and then he's made inferences from there about
9 why she should be entitled to certain damages, and I think the
10 school records are a fair game for cross examination of him.
11 Motion in limine number 11, her bad childhood
12 behavior. Again, your Honor, this is exactly -- plaintiff went
13 in to see the psychiatrist, went in to see hers and our
14 independent medical examiner, and in both cases she described
15 all of her, quote/unquote, bad childhood behavior. So it goes
16 to her damages, your Honor. They want to elicit what they want
17 to elicit and keep us from eliciting anything that would
18 contradict it.
19 But putting your reputation and your character in
20 issue, as she has in this case, about the time when she was a
21 child is necessarily a part of our cross examination to explain
22 to a jury what her reputation at the time of the acts in
23 question were.
24 She was a truant, reported to the schools as a truant,
25 reported by her mother to the police, circulated with people in

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1 the community out trying to find her, and she was known as such
2 in her community. So to say somehow that we can't talk about
3 her reputation for truth telling, her reputation for honesty at
4 the time she was a child when she claims that she was the
5 victim of sex abuse, is not supported by the law.
6 Plaintiff also cites to Sack on Defamation, and I
7 believe the cite is 10, Section 5. And your Honor, I think
8 this helps clarify a lot of what our position is in this case.
9 Sack believes, as we do, that it is entirely
10 appropriate under 405(b) to question a plaintiff who has
11 alleged defamation, whose reputation is an issue about all
12 kinds of bad acts. They have said, just now, that there is
13 just no reason we should be allowed to ask about all these
14 other bad acts.
15 Sack cites, your Honor, to an Eleventh Circuit case,
16 Schafer vs. Time, Inc. In that case, your Honor, Sack says the
17 Eleventh Circuit found the district court had been correct when
18 it ruled that the defendant, which allegedly accused the
19 plaintiff of being a traitor, "would be permitted to question
20 the plaintiff about a felony conviction, a possible violation
21 of his subsequent parole, convictions for driving under the
22 influence, an arrest for writing a bad check, failure to file
23 tax returns, failure to pay alimony and child support, and
24 evidence concerning plaintiff's efforts to change his name and
25 social security number." In other words, once you put your

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1 reputation at issue, all of these specific instances going to
2 your honesty are fair game.
3 In this case, we have asked plaintiff whether she
4 filed tax returns. She said, "No." Tax fraud is not a private
5 matter, as plaintiff contends, it is a crime. It is a crime of
6 dishonesty.
7 She likewise put into her complaint that her
8 reputation was injured in her professional capacity as
9 President of Victims Refuse Silence. We inquired whether
10 Victims Refuse Silence was, indeed, a legitimate enterprise.
11 We learned that they had not met their tax obligations and they
12 had not been funded. That is, as your Honor knows, the subject
13 of 702 motions, so I won't repeat it all here.
14 I will say, however, that both of those issues,
15 failure to file tax returns and tax fraud, are exactly the
16 kinds of evidence permissible under 405(b) when you are
17 attempting to establish the truth of your statement that
18 plaintiff is a liar.
19 Motion 14, evidence of being a victim of domestic
20 violence. Your Honor, in this case, plaintiff claims
21 $30 million in pain, suffering, and emotional distress.
22 Plaintiff's expert, Dr. Kliman, testified that domestic
23 violence by her husband is likely a cause of exacerbation of
24 her PTSD. He also testified it was a very violent episode and
25 more likely happened more than once. He also testified that

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she needs additional marital and sexual counseling based on her disinterest in sex, which she claims is caused by the defamatory statement.

Our expert, your Honor, likewise found that the far more likely cause of any dysfunction in her marriage which arose at the time of the domestic violence incident and was more likely the cause of any PTSD pain, suffering, or emotional distress that she was experiencing.

That domestic violence incident happened in early March, 2015, a couple of months after the allegedly defamatory statement, and seven months before plaintiff brought this lawsuit.

The criminal proceedings against her husband also are relevant to her damages, apart from Dr. Kliman's testimony. Her husband was ordered to live away from their home, leaving her to care for her three children alone. He then stopped participating in the court-ordered domestic violence counseling, and he fled the country with an active arrest warrant that remains outstanding to this date from Colorado.

All of these alternative sources of emotional distress for plaintiff should be admitted, as her expert, Dr. Kliman, has testified, in as far as they impact supposed pain, suffering, loss of enjoyment of life.

Motion in limine number 15, any testimony that sex with a 17-year-old girl is, quote/unquote, lawful. Plaintiff

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1 is the one who claims she had sex with various people at
2 various places at various times, some when she was 17, some
3 when she was 18, some when she was 19, some in Florida, some in
4 England, some in New York, some in New Mexico. In all of those
5 cases, except Florida, the age of consent is 17.
6 I don't know what evidence plaintiff is going to
7 introduce about what sex she had, where, with whom, and her age
8 at that time because those sands have shifted dramatically
9 during the course of this litigation. All I can say, your
10 Honor, is, if she tries to introduce evidence that she had sex
11 at a certain place and time and claimed that it was unlawful,
12 your Honor will be duty bound to instruct a jury on what is or
13 isn't lawful in a particular jurisdiction at a particular time
14 in a particular place.
15 Your Honor, I would submit that motion in limine 16
16 regarding the medical records, again, is something that depends
17 dramatically on what plaintiff introduces during her case in
18 chief, but there are many statements, as I mentioned earlier,
19 to her doctors which would be admitted as nonhearsay if offered
20 against her as party admission.
21 There are many statements over the last 15 years that
22 relate to her mental condition, that relate to her medications.
23 Do I anticipate asking about her ferret bite? I do not. Do I
24 anticipate asking about the other things that are listed in her
25 motion in limine? I do not. But I do believe that there are a

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1 number of times that she saw doctors, made statements, sought
2 treatment, got medications, all of which are reflected in her
3 medical records and are something that about which she may be
4 cross examined.
5 She claims her medical records are private. She is
6 the one seeking $30 million in emotional distress, pain and
7 suffering, and I think when you do that, I'm sure her lawyers
8 advised her that her privacy rights with respect to her medical
9 records would no longer be the same as a private individual.
10 Your Honor, Motion in limine 17, again, the dollar
11 value of the Jane Doe settlement depends entirely on what
12 happens in terms of plaintiff's case in chief and whether any
13 other evidence regarding the Jane Doe 102 litigation comes into
14 evidence, because if it does, then the settlement and the
15 settlement amount may very well become relevant, but I can't
16 say right now how anyone intends to use that at trial, why it
17 would be relevant, and I can't say whether or not the
18 settlement amount would likewise be relevant.
19 Motion in limine 18, the Cassell-Edwards-Dershowitz
20 litigation and their settlement. It's interesting to note
21 Mr. Cassell to refer to himself in the third person when he was
22 talking about that litigation.
23 Your Honor, there are a number -- I can count five
24 reasons, at least, that that case is relevant to the facts in
25 this case.

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1 Plaintiff was a witness in that case. She was deposed
2 in that case. She testified under oath in that case,
3 represented by the same counsel that she has here. Her
4 testimony in that case is admissible.
5 She participated in that case, your Honor, from March
6 of 2015 or so until it settled in or around April of 2016, and
7 she reported to her doctors that it was causing her a
8 significant amount of stress. In fact, shortly before she was
9 deposed in that case she went to a doctor and requested that
10 she get more Valium to help her handle her upcoming deposition.
11 Dr. Miller, our psychiatrist, found that her
12 participation in that lawsuit as a witness caused her
13 significant stress and explained many of her complained of
14 symptoms, and he said that they were exacerbated by her
15 participation in that litigation.
16 Third, evidence regarding that lawsuit goes to her
17 reputational damages. Again, your Honor, I refer to the
18 federal evidence treatise relied on by plaintiff. In
19 defamation cases, defendants can also prove other liables and
20 rumors about the claimant are circulating, at least if they are
21 widespread, to demonstrate it is not what the defendant said
22 about the plaintiff that caused her reputation to suffer but
23 what others said.
24 Your Honor has read the 702 pleadings. Plaintiff's
25 experts have pulled off the internet all kinds of stories that

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1 relate to plaintiff and said that those stories are evidence of
2 her damaged reputation. When you look at the stories that
3 actually were pulled off the internet, a substantial number of
4 them relate to the Cassell-Edwards-Dershowitz litigation; what
5 happened in the litigation, statements made by the parties in
6 the litigation, statements made about Virginia Giuffre relevant
7 to that litigation.
8 If her reputation is damaged by some other litigation
9 that has nothing to do with Ms. Maxwell, Ms. Maxwell can't be
10 responsible for that reputational damage.
11 THE COURT: What's your explanation of the damage
12 caused to Giuffre by the Dershowitz case?
13 MS. MENNINGER: I'm sorry?
14 THE COURT: I understand the testimony part. That's a
15 different kind of thing. But the case itself, how does that
16 damage her reputation?
17 MS. MENNINGER: It's the press attendant to that case,
18 your Honor.
19 THE COURT: Okay. So the press attendant.
20 MS. MENNINGER: There was a lot of press attendant to
21 that case which was, frankly, negative to the plaintiff that
22 had nothing do with Ms. Maxwell's denial. And their experts
23 have relied on that press and claimed that that press somehow
24 supports their claim for damages against Ms. Maxwell, even
25 though she's not mentioned in the particular stories.

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1 THE COURT: But how is that going to figure into
2 damages in our case?
3 MS. MENNINGER: Your Honor, I think the jury would be
4 instructed here not to hold Ms. Maxwell responsible for any
5 harm to plaintiff's reputation caused by third parties or
6 alternate sources, including stories that were generated by
7 statements made by her own counsel, by Alan Dershowitz, by
8 Prince Andrew, by anyone else.
9 THE COURT: Well, yes. But what I'm trying to figure
10 out, what about that case was damaging to Giuffre?
11 MS. MENNINGER: I can't tell you that, your Honor.
12 It's actually plaintiffs who are asking for $1.9 million in
13 reputational cleanup costs, and when you ask them what
14 reputational cleanup costs are you trying to clean up, they
15 point to stories having to do with the Dershowitz litigation.
16 They say her reputation was damaged by that litigation and by
17 the stories related to it, and they want to push all of those
18 stories down on the internet searches. Not stories that relate
19 to Ms. Maxwell, stories that relate to her litigation with --
20 her lawyer's litigation with Alan Dershowitz.
21 THE COURT: Okay.
22 MS. MENNINGER: I don't think that evidence should
23 come in because I don't think it's based on science, but I
24 realize that's not for today.
25 Likewise, your Honor, her failure to sue Alan

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1 Dershowitz, although he's gone on all of these other shows and
2 called her a liar after she said she had sex with him seven
3 times, goes to her failure to mitigate any of her damages.
4 Finally, your Honor, there is, as you heard from
5 Mr. Cassell, talking about Cassell lawsuit, a statement issued
6 that that lawsuit was a mistake. Whether her attorneys have
7 made representations, they did so while they were representing
8 plaintiff. This was while Mr. Cassell and Mr. Edwards were
9 both pursuing their own lawsuit and also representing plaintiff
10 in this case. So any statements that they issued that are
11 within the scope of their agency, your Honor, are
12 representations, frankly, made by plaintiff.
13 With regard to the Judge Marra order, motion in limine
14 19, your Honor, plaintiff would like to make a lot of arguments
15 now. She's already litigated those points. She lost. She's
16 collaterally estopped from reraising them. And it would be
17 seriously misleading, your Honor, to admit the joinder motion
18 and not inform the jury that a judge found that the allegations
19 contained in that joinder motion were impertinent.
20 Motion in limine 20, Rebecca Boylan. They said she's
21 not been deposed. She was a disclosed witness. They said
22 she's not going to be a witness. Well, we'll see. Your Honor,
23 I don't think this is the appropriate time to raise this issue.
24 It's not an appropriate motion in limine. I know what the
25 rules of evidence are with regard to hearsay and double

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1 hearsay.

2 That's also true, your Honor, largely with respect to

3 the rest of the motions. They are asking for an advisory

4 opinion from this Court about things that may or may not

5 happen. Your Honor, I just don't see the need to waste more

6 time on it.

7 There is only one issue, the one raised in 28 where we

8 have presented the possibility that as the party that bears the

9 burden of proof, we would be allowed during closing arguments,

10 for example, to comment on the lack of proof, which is a common

11 closing argument.

12 If they have control over a party and that party

13 doesn't come and testify, we may, under the appropriate

14 circumstances and with the right foundation, ask for a missing

15 witness instruction, your Honor, but these are all advisory

16 questions at this point.

17 MS. McCAWLEY: Your Honor, Sigrid McCawley on behalf

18 of the plaintiff. Would the Court like to take a break at this

19 point? I know we've gone for a couple hours. I'm not sure how

20 you'd like to proceed. We're happy to address --

21 THE COURT: Let's finish.

22 MS. McCAWLEY: Let's finish. Okay, great. Thank you.

23 MR. CASSELL: Paul Cassell, your Honor, for

24 Ms. Giuffre.

25 The defense started with an overview of Rule 405(b),

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1 so let meet respond to that overview.

2 They reference Mueller and Kirkpatrick, a treatise

3 that we think is very instructive on this particular point.

4 Mueller and Kirkpatrick says, "It is true that in a

5 defamation case there is more latitude to introducing

6 reputational types of evidence. However, it's important to

7 remember, say Mueller and Kirkpatrick, that actual character is

8 not so much the question as reputation."

9 And it follows that "specific instances of misconduct

10 cannot be proved if they were not generally known because then

11 they would not affect reputation."

12 They go on to say that, "When a defendant's proof goes

13 to specific instances under 405(b), caution from the judge is

14 in order. Proving misbehavior can, in effect, become a game of

15 character assassination that adds insult to injury which courts

16 can block by carefully considering relevancy issues and the

17 rule against unfair prejudice found in Rule 403." And so it is

18 against that backdrop that the Court should be considering

19 these 405 issues.

20 What I would like to do is offer three illustrations

21 of what I think is going to be a pervasive flaw in many of the

22 arguments advanced by the defense.

23 So we heard that, "Your Honor, look under 405(b). The

24 fact that the mother -- plaintiff's mother described her as a

25 liar about using drugs and running away from home, that comes

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1 in to show reputation." Let me explain why I believe that
2 argument is fundamentally flawed, and that will, of course,
3 carry over to other illustrations, as well.
4 The statement to which defense counsel was referring
5 was a statement that Ms. Giuffre's mother made during a
6 deposition as a witness in this case where the only people in
7 the room were the court reporter and the attorneys. The fact
8 that when asked, "What did you think of your daughter 17 years
9 ago? Well, I thought at the time that she was a liar," wasn't
10 something that goes to Ms. Giuffre's reputation because there's
11 no evidence anybody knew about it other than, you know, the
12 mother who is now being deposed in 2016.
13 Moreover, the question was, "What did you think about
14 the fact that your then 17-year-old child was running away from
15 school? Well, I thought she was lying to me about that." That
16 would go, I guess, to her reputation back in, what, 1999, 2000,
17 2001, that time period, but of course the damages that are at
18 issue in this case are damages around 2016 and thereabouts when
19 the defamatory statement is released.
20 So it's hard to see even an argument for the statement
21 of the mom in a deposition going to reputation. I don't know,
22 maybe I'm missing something, maybe there's some marginal
23 relevance that can be distilled out of all of that. But of
24 course then your Honor has to weigh whatever marginal value
25 that has as to reputational issues against the very significant

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1 prejudicial effect.

2 Obviously, this is going to be considered by the jury

3 to think she's a bad kid. They're not going to like

4 Ms. Giuffre, and they're going to hold it against her, not

5 because it has some technical reputational aspect to it, but

6 because it is something that shows she's a bad person. Under

7 403, the evidence should be excluded.

8 Let me give you a second illustration of reputational

9 points. They say, "Ah-ha, look. Ms. Giuffre went to

10 Dr. Kliman," and I believe your Honor referred to that as well.

11 And your Honor asked, I think, a very good question, and let me

12 see if I can answer that question.

13 You said, "Well, why did she disclose all this stuff

14 to Dr. Kliman?" Well, the answer is obvious, she was under

15 instructions from the doctor to tell everything that happened,

16 and of course she told, to the best of her ability, everything

17 that happened. Some of the stuff is going to turn out in a

18 court of law to be relevant, some of this stuff in a court of

19 law is going to turn out to be irrelevant. But that's not the

20 psychiatrist's job to say, 'No, no, no, don't talk about

21 illegal drug use because the prejudicial effect outweighs the

22 probative value,' he just gets a full medical history. And

23 having collected all that information, you know, through

24 Dr. Kliman, or they also have Dr. Miller who did a similar sort

25 of thing. Now once you have all of this vast array of

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1 information, then the lawyers present arguments to your Honor
2 and say, 'Wait a minute. Some of the things that are in the
3 report aren't relevant to the case and, in fact, are going to
4 be highly prejudicial for the jury.' That's why we're here
5 this morning asking for some of those things to be excluded.
6 For example, there are some references -- I won't
7 belabor the point -- but the references that we're making to
8 some of the illegal drug usage and so forth, that's not
9 something we're trying to deploy affirmatively. The good
10 doctor simply listed all of the information that had been
11 recited as part of his report so that the lawyers and the judge
12 can now make a determination.
13 And the fact that Ms. Giuffre told Dr. Kliman in a
14 confidential psychiatric examination certain things about drug
15 use can't possibly go to her reputation because no one was
16 there who was assessing what kinds of things might be going on.
17 A similar point can be made about tax fraud. We're
18 told, "Well, your Honor, tax fraud goes to her reputation." I
19 suppose that goes to her reputation with some IRS agent who is
20 looking at a return, but it can't possibly go to a general
21 reputation that is at issue in this case.
22 And once again, the cases that we cite in our briefs I
23 think make this point clear, there is a vast risk of
24 prejudicial effect to Ms. Giuffre because the jury is going to
25 think, oh, she's a tax cheat, and they're going to hold that

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against her because they don't like her actions in that particular circumstance as opposed to the merits of the case.

And by the way, we are going to strongly contest that she's a tax cheat, so your Honor is going to have, I guess, competing tax information, and jury instructions on whether personal injury returns have to be reported on your return, all of which is going to deflect the jury's time and attention, not to mention the Court's and counsel's, away from the fundamental issue of did Ms. Maxwell defame Ms. Giuffre. So that's our response to the initial overview regarding 405, and I'm going to turn the time over to my colleague now to dive into some specifics.

MS. McCAWLEY: Thank you, your Honor. I'm going try to keep this very brief and just touch on some of the highlights quickly.

So we were talking initially at the beginning about the issue of various pieces of different witnesses, whether their information would come in, and we hit on the issue -- they brought up the issue of Mr. Freeh, and actually gave you -- told you that he was going to be just somebody who was going to sit on the stand and validate the FOIA response.

Well, very clear from the documents they've produced in this case, if I could hand them up, your Honor, this is the pages that they produced with respect to Mr. Freeh. And you'll see on the first page, he gives his conclusion and he says,

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1 "Based on my experience, knowledge, and duties of these
2 protocols in the USS Protective Details of Special Agents, a
3 company escorting Mr. Clinton" -- so he is relying on his
4 expertise as a former FBI head in order to opine on whether or
5 not these records are correct, your Honor.
6 They disclosed him as a lay witness in this case, not
7 an as an expert witness. We went through a series -- as you
8 know your Honor, you've seen all the expert depositions in this
9 case that we've had. They say, "Well, you could have deposed
10 him as a lay witness."
11 Your Honor, will remember, we were very limited. We
12 were limited to ten depos. We had to beg, borrow, and steal to
13 get a few more, and we had to be very careful in who we picked
14 and chose with respect to establishing our claims. If we had
15 known, of course, that Mr. Freeh was going to be put on the
16 stand as an expert in this case, we, of course, would have
17 sought his deposition through the expert process.
18 So, your Honor, I think those documents speak for
19 themselves. They're very clear, that's GMOO526, where he's
20 giving that clear opinion. The letter is sent to
21 Mr. Dershowitz and he signs it, and then it has the relevant
22 attachments. So, your Honor, we firmly believe that that
23 should be kept out of evidence because he was not disclosed
24 properly as an expert in this case.
25 The other thing I want to point your attention to is

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1 another document that they gave you, and I think this document
2 is really telling for what it doesn't say, and that's the email
3 traffic.
4 Right after -- a few days after she makes the
5 defamatory statement, she's conversing with Alan Dershowitz
6 about this statement. And this is GM0006 through 00015.
7 What's really interesting about this is nowhere in
8 this statement does she say, 'I didn't participate in this
9 abuse. I didn't know this person. I wasn't around. This
10 didn't happen with JE.' Instead, she picks statements and says
11 things like -- which sound like a jealous girlfriend -- she
12 says, "I called Jeffrey and told him I've fallen madly in love,
13 Virginia says. I was hoping he'd be delighted, but he said,
14 "Have a nice life" and hung up on me." And she puts in parens
15 to Mr. Dershowitz, "Did she want Jeffrey to say no, don't do
16 it, I want to marry you?"
17 Clearly, she knows -- while during her deposition she
18 claimed to not recollect my client whatsoever, she clearly
19 knows her and this shows that they were together.
20 It's also interesting, if you look on page 0008,
21 because she's putting in parens individuals, other people that
22 my client was lent out to that they forgot to mention in the
23 list that they give. I mean, what's really telling about this
24 document is what it doesn't say, but it clearly shows she knew
25 my client, she knew what was occurring, and she's simply trying

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1 to pick apart nuances in the statement. So, your Honor, I
2 submit that to you for what it doesn't say from Ms. Maxwell
3 since they've provided that to you today.
4 There are a few more things that I just want to touch
5 on that I think need to be clarified, and that is, with respect
6 to -- there was this mention about newspaper articles, and as
7 you know we've submitted an expert who analyzed through his web
8 analytics, he's the same expert that was in the Anders case who
9 followed that video of the Fox reporter over the internet and
10 tracked that he uses a well-accepted methodology. We've set
11 that forth all in our papers.
12 But he tracked the specific quoted statements, your
13 Honor. And if they have an issue, if they want to say, oh,
14 they're proposing today that these articles related to the
15 Dershowitz matter, that's subject for cross examination of him
16 if they want, but he has a very clear methodology, and those
17 articles that he tracked were in that manner, your Honor, so I
18 just want to make that point since they raised it. I know
19 we're not discussing the experts in detail today, but I did ask
20 that question.
21 So your Honor, in just summarizing on those points, I
22 think we made clear in our opening argument why we believe that
23 this shouldn't be subject to a number of mini trials on a
24 variety of these issues, we're hoping to streamline this
25 matter, and that's why we proposed this motion in limine to you

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1 in the way that we did.

2 I'm just going to let my counsel address any final

3 issues.

4 MS. SCHULTZ: Your Honor, I don't have anything

5 further to say on motion in limine number 6. The defendant has

6 not given any valid reason or justification for introducing any

7 evidence of prior sexual assault that should be excluded for

8 all the reasons in the brief and the oral argument over these

9 two days.

10 With regard to drugs, there are voluminous medical

11 records presented here. Defendant's counsel has stood up and

12 said there are false statements to doctors and have suggested

13 that Ms. Giuffre is doctor shopping. I'll submit that the

14 records do not reflect that.

15 Defendant apparently seeks to introduce a jotted down

16 note here or there from medical records, but these are plainly

17 hearsay, and a sentence fragment in the middle of a medical

18 chart is not admissible evidence, it's hearsay. And then,

19 they're certainly not a party admission, they don't even

20 reflect the totality of what the conversation is between

21 patient and doctor.

22 Also, I would also submit that the prescription

23 records show that they are not doctor shopping to a mass

24 amounts of pills or medication. The prescription records speak

25 for themselves. You can count the number of pills that were

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1 prescribed over a period of time, and you'll understand that
2 this is not a situation of someone being a drugee and doctor
3 shopping, something that's in the news a lot these days. So
4 trying to submit it that way is not only irrelevant to this
5 case, but the prejudice greatly outweighs whatever probative
6 value it might be. Ms. Giuffre would not, of course, object to
7 testifying with regard to what current medication she takes,
8 but that's a different subject altogether.
9 With regard to criminal history, as I mentioned,
10 Ms. Giuffre denied that she stole the money. She said her
11 boyfriend took the money while he was there with her. And
12 defense counsel reminded Court that this victim is a thief.
13 Again, none of this information comes in under the Federal
14 Rules of Evidence. Even the charging document and the warrant
15 are classic hearsay and should be excluded.
16 With regard to the next one, I'm going to skip ahead
17 to school records. The records don't show that she was in
18 school, as much as defendant seems to think she is. They don't
19 have also what days she attended and what days she doesn't. It
20 doesn't say that she was there on, for example, May 23rd, 2000.
21 What they do show is that there are no courses taken between
22 1999 and the 2000 school year, and no courses taken during the
23 2000 to 2001 school years.
24 Ms. Giuffer's attempt to work and resume school at
25 another school as as a tenth grader in the 2001 to 2002 school

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1 year was limited to a portion of the school year starting
2 October 20th, 2001, ending only in March 7th, 2002, which only
3 further substantiates Ms. Giuffre's testimony that at one point
4 she attempted to get away from defendant's abuse, along with --
5 and Mr. Figueroa testified to the same.
6 So again, I would also reiterate that her reputation
7 as a child for being a truant or a runaway is not what is at
8 issue in this case. She is a 30-something-year-old woman and
9 did not have a reputation related to her school attendance.
10 There is also in this case zero evidence of her
11 not-for-profit being a tax fraud. It's not funded and it's in
12 compliance with United States tax rules.
13 Additionally, Ms. Giuffre has produced volumes of
14 papers of tax returns filed with the Australian government, the
15 country where she has predominantly resided since she was 19
16 years old. And that's all I'm going to say for that, to keep
17 it brief.
18 MR. CASSELL: Your Honor, I'm just going to address
19 all of the points that -- I'll just take very few minutes here,
20 with your permission.
21 So on point number 7 that I addressed, the issue of
22 slut, it seems like we're in agreement that that should be a
23 term that's not used.
24 The debate was over the term "prostitute". Again, Dr.
25 Esplin, their own expert, you can see in the 702 motions, he

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1 concluded that was an inappropriate word.

2 The only -- let me be clear. If there's some document

3 that has the word "prostitute" in it, we're not suggesting that

4 then it would be -- if that document is in evidence and the use

5 of that word is appropriate and admissible and relevant, we're

6 not saying that that has to be redacted. But the only example

7 they gave is there's some comments in some internet chat room

8 somewhere, we're not sure exactly how they're going to

9 authenticate those, there's no evidence Ms. Giuffre has heard

10 of those, so as you say, we can take that up at the time. But

11 we would ask that defense counsel be instructed, and their

12 witnesses be instructed, not to use that term unless it appears

13 in a particular document.

14 With regard to item 14, this is the domestic violence

15 issue. And they say, look, it has relevance because it shows

16 an alternative cause of emotional distress damages.

17 Our position is primarily based on Rule 403. We

18 conceded, I think, that there's some arguable chain of

19 relevance that perhaps could be teased out here, but let's

20 understand, this domestic violence incident took place in

21 March, 2015, and the statement at issue that caused the

22 worldwide reputational damages was launched in January of 2015.

23 So the relevance here is marginal, and ultimately the

24 question your Honor has to, of course, sort out is the

25 prejudicial effect. There wasn't any response that I heard

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1 from defense counsel about a blame the victim mindset that the
2 jury would very well adopt once they heard that Ms. Giuffre's
3 staying with her husband is a victim of domestic violence. So
4 your Honor has in front of it, I think, essentially uncontested
5 evidence, or at least uncontested argument of substantial
6 prejudicial effect that will exist that tips decisively in
7 favor of excluding this, particularly when they get to subjects
8 like criminal proceedings. We're going to then get into what
9 is the scope of the protective order if they live in Australia
10 and things like that. That's far afield from any effect on
11 emotional distress damages.
12 Item 15 has to do the 17-year-old, 16-year-old,
13 15-year-old. I think we have agreement from both sides that
14 sex with a 17-year-old is unlawful under the age of consent
15 statute that exists in Florida, and we'll be asking either to
16 cover that through an expert witness or through a jury
17 instruction. But they say, oh, what if she's flown to New
18 Mexico? The age of consent there might be different. And this
19 is where I believe your Honor can take a close look at the
20 expert witness on sex trafficking, the 702 motion is currently
21 pending in front of you, Professor Terry Conan, who is at the
22 Florida State Trafficking Institute, and we've offered him as
23 an expert witness.
24 If you take a 17-year-old from Florida, fly her to New
25 Mexico for sexual purposes, it makes no difference what the age

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1 of consent is at that point because you have a federal sex
2 trafficking crime that has been committed.
3 The same thing is true if you fly a 17-year-old into
4 London, or if you fly her into New York. All of those are sex
5 trafficking crimes, and Professor Conan is prepared to explain
6 both that particular aspect, I would describe it as a mixed
7 question of fact and law, and also some of the psychological
8 techniques that are used to create the -- I think he refers to
9 them as the invisible chains of sex traffickers.
10 So we either have a crime in Florida, because she's
11 under the age of consent, or we have a federal or, in all
12 likelihood, state trafficking offense if she's flown to another
13 state.
14 Which regard to item 18, the Cassell and Edwards
15 litigation, I think your Honor asked some excellent questions
16 on that.
17 We were told that there are five reasons why
18 Ms. Giuffre's connection to that case has some relevance. The
19 first argument, I guess, is their strongest argument, was that,
20 well, she was a witness in that case. But, of course, that was
21 a confidential deposition, so it couldn't have anything to do
22 with reputational damages or something else.
23 Let me be clear. Ms. Giuffre made statements when she
24 was deposed, and if they say, ah-hah, you've said X from the
25 witness stand, but last year when you were deposed you said not

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1 X, fair enough, cross examine her about it, inconsistent
2 statement. We're not objecting to that aspect of that.
3 What we don't want is the lawsuit itself and the
4 circumstances surrounding the lawsuit to be paraded in front of
5 jury. If they simply want to put in a deposition statement to
6 stay it's inconsistent, and that's properly done, of course,
7 that would be appropriate.
8 Their second point is, she participated for a period
9 of time. I guess she participated if you're subpoenaed as a
10 witness and testified, but that wasn't -- you know, she wasn't
11 a party to the case.
12 Their third point was that the reputational damages
13 somehow link into what Dershowitz was saying. Again, your
14 Honor already knows our point one is to keep out Mr. Dershowitz
15 from the case, and you'll make a ruling one way or the other on
16 it. If he's kept out of the case then this becomes a moot
17 point. But even if you decide he's in the case, well, okay,
18 fine. Have him testify and do whatever else you think is
19 appropriate. We don't need to hear all about this unrelated
20 lawsuit.
21 Their fourth point had to do with, I believe, you
22 know, damages suffered by Ms. Giuffre. Your question was, if
23 I'm -- I don't have the transcript in front of me -- I think
24 you said, well, how does the case itself go to damages? And I
25 believe this is a direct quote from Ms. Menninger. "I can't

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1 tell you that." So even the defense counsel when given an
2 opportunity to articulate the relevance failed to do so, in our
3 view.
4 She says -- then her next argument is, well, the
5 plaintiff's experts are using Dershowitz's statements. As you
6 know from the 702 pleadings, no, we're using Maxwell's
7 statements. We're only going to be proving a case about what
8 Maxwell's defamation did to Ms. Giuffre.
9 And then the last argument was that there was a
10 failure to mitigate damages by suing Dershowitz. Well, your
11 Honor knows, if a person A commits a defamation, you sue A and
12 you get your damages. Then if person B does something, you
13 sort that out in a separate proceeding in a separate way.
14 Sacks and others are very instructive on that.
15 The last point they made was that, well, look, these
16 statements were going on while Cassell and Edwards were
17 representing her. They've shown simultaneity in time, but not
18 simultaneity in the scope.
19 It is true that the lawsuit was settled, and I won't
20 refer to myself in the third person. Mr. Edwards and I settled
21 the lawsuit and made certain statements in connection with
22 that, but that was to take care of our own professional
23 reputation and the lawsuit associated with that, it had nothing
24 to do with representing Ms. Giuffre.
25 I believe I have two left, your Honor, and you've been

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1 extremely patient. Let me just take two more minutes to cover
2 point 19. This is Judge Marra's ruling.
3 They say we want to put it in that she lost. Well, in
4 our view, actually, that was a victory. Our goal was to try to
5 get her into the case, and Judge Marra ruled that she could
6 participate by being a witness.
7 Now, are we really going to try the implications of
8 Judge Marra's ruling in a pro bono Crime Victims Rights Act
9 organization ruling? He ruled on this, but allowed this other
10 thing. It's highly, first, irrelevant, and obviously, highly
11 prejudicial in the sense that it's going to divert the jury's
12 attention away from the facts at hand here.
13 And again, Judge Marra only ruled on the first of nine
14 reasons that we offered for putting those allegations in. He
15 said point 1 doesn't work, the others we'll see how things play
16 out.
17 The litigation is moving forward. I can tell you the
18 government will be responding to our summary judgment motion, I
19 believe on May 15th. We'll be replying on July 15th, so the
20 litigation continues.
21 The last point that I'll make is Boylan. This is item
22 20. Remember, Dershowitz is going to say that Boylan says that
23 Ms. Giuffre said certain things. And we were told that, well,
24 maybe she will be a witness.
25 It's my understanding that Boylan is not on the final

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1 pretrial witness list. Maybe during a break I can confirm
2 that. But if she's not on the witness list, we've got double
3 hearsay and it can't come in.
4 The last point I would leave you with, your Honor, is
5 many of these issues are going to come down to balancing.
6 They're of minimal relevance for the reasons we've explained,
7 very significant prejudice, and we would ask that each of the
8 motions in limine we've asked today be granted.
9 THE COURT: Thank you. We'll resume at 1:30, and I
10 guess, unless you all think it's been covered, the Maxwell
11 motions. What do you think?
12 MR. PAGLIUCA: Your Honor, I would --
13 THE COURT: Would you rather catch your plane?
14 MR. PAGLIUCA: No. I'm prepared to stay until
15 tomorrow, your Honor. I'm not leaving until tomorrow morning,
16 just in case you need me this afternoon. I'm sure you're
17 thrilled about that.
18 I think, your Honor, when I went through these, it
19 seems to me that we have dealt with number 679, 716, in
20 connection with 683, 742, and 774. That deals with the
21 Rodriguez, we call it the unauthenticated hearsay document from
22 a suspect source. They call it the black book. I think the
23 Court heard argument about all of that and, in my view, this
24 does not all need to be repeated today.
25 Yesterday, we talked about the -- I can't remember the

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1 name of it, but it was the plaintiff's motion, sort of omnibus
2 related to different acts either under 404(b) or 415.
3 The plaintiff wanted until 15 days before trial to
4 make whatever showing they wanted. It would make sense --
5 well, in defendant's 404(b) motion, there are some of those
6 issues, as well. We certainly could argue part of that. The
7 Court may want to defer that to the entirety of when we have
8 whatever the supplement is to that motion yesterday.
9 Then we also, I believe, dealt with yesterday the
10 issue related to the Jane Doe 102 complaint. We have a
11 competing motion on that. That's 663. It seems to me that was
12 argued yesterday, and we don't need to repeat those arguments,
13 which is the same argument we had yesterday.
14 So in my view, your Honor, that leaves the bifurcated
15 trial motion, which has been fully briefed, the Kellen and
16 Marcinkova issue, and the police report issue. So by my count,
17 we have those three.
18 I also have on my calendar that our motion to
19 preclude -- or the plaintiff's motion to preclude calling
20 attorneys as witnesses, which is 685 and 772, and by my
21 calendaring the reply was due yesterday. I think Ms. McCawley
22 has a different version of that, and so frankly, I don't care
23 whether we hear that today or some other time.
24 So that's my accounting of what we have ripe for
25 argument today, or shouldn't have argument today, as the case

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may be, your Honor.

(Discussion held off the record)

THE COURT: We'll resume at 1:30.

(Luncheon recess)

(Continued on next page)

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1 AFTERNOON SESSION

2 1:30 p.m.

3 THE COURT: Who's up? I think the defense?

4 MR. PAGLIUCA: Yes, your Honor. I think Ms. Schultz

5 requested that we take up No. 666 at this point, which we're

6 happy to do.

7 THE COURT: Oh, yes. Yes.

8 MS. MENNINGER: Your Honor, this motion relates to our

9 request that we exclude evidence barred as a consequence of

10 plaintiff's summary judgment concessions. We asked in argument

11 4 of our summary judgment motion for partial summary judgment

12 with respect to the oral statement on January 4th to a

13 reporter.

14 THE COURT: Hold the phone.

15 MS. MENNINGER: Sure.

16 THE COURT: Sorry. Needless to say, I'm drowning.

17 Ah, okay. Okay. Sorry. Yes.

18 MS. MENNINGER: We asked for partial summary judgment

19 with respect to our client's statement on a New York street

20 that, "I am referring to the statement that we made." As we

21 set forth in our summary judgment brief, this Court's ruling in

22 Adelson v. Harris is directly on point, that a mere reference

23 to another writing that contains defamatory statements does not

24 constitute an actionable repetition or republication. In that

25 case, in Adelson, there was, first, an allegedly defamatory

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1 statement and later a press release which said, we stand by
2 everything we said. It's directly on point. Your Honor there
3 held that such republication is not actionable. We set forth
4 that clearly in our argument 4 of the summary judgment motion,
5 and plaintiff, in her response to summary judgment, made
6 absolutely no reference, no response, nothing with respect to
7 that argument. We, therefore, believe that she has conceded
8 the point and we would ask that no evidence regarding that
9 statement be entered in the trial.
10 We predicted, and we were correct, that having not
11 argued it in response to our summary judgment motion, they
12 would try to use the opportunity of their response to this
13 motion in limine to make substantive arguments. They should
14 not be permitted to do so, your Honor. In any event, their
15 arguments that they have set forth in response --
16 THE COURT: I'm a little lost. Perhaps totally lost.
17 But the partial summary judgment, that's not been dealt with,
18 or has it?
19 MS. MENNINGER: It was not part of your Honor's
20 ruling, no.
21 THE COURT: Tell me the context of the summary
22 judgment.
23 MS. MENNINGER: Certainly, your Honor. There were a
24 number of things that we believed plaintiff had conceded
25 because they failed to respond to our requests in our summary

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1 judgment motion. Your Honor ruled against us on a couple of
2 points, but your Honor was silent with respect to this
3 particular argument, argument No. 4 --
4 THE COURT: Ah.
5 MS. MENNINGER: -- in your ruling.
6 THE COURT: And that was?
7 MS. MENNINGER: Our plaintiff's statement two days
8 after the --
9 THE COURT: The one on the street.
10 MS. MENNINGER: Exactly. That in that statement, our
11 client said, we stand by the statement, or, I am referring to
12 the statement that we made.
13 THE COURT: Yes, yes, yes. Okay. I'm just trying to
14 figure it out. So in a very nice, polite way, you're telling
15 me I failed to deal with that motion of yours.
16 MS. MENNINGER: That's correct, your Honor.
17 THE COURT: So it's still out there.
18 MS. MENNINGER: Still out there. There was no
19 response by plaintiff to that argument is our point; that in
20 their response to summary judgment, they didn't mention it at
21 all.
22 THE COURT: Well, that's probably where I missed it.
23 MS. MENNINGER: Exactly. So I think the fact that
24 they failed to respond to it then, as your Honor has held in
25 other cases, has consequences; namely, it's a conceded point.

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1 And so their failure to respond --

2 THE COURT: What was the point, that that was not

3 another defamation?

4 MS. MENNINGER: Exactly. In the case of Adelson v.

5 Harris, just like in this case, there was one allegedly

6 defamatory statement afterwards. There was a press release

7 issued that stated, we stand by everything we said. Those

8 facts are very similar to ours, where there was a written

9 statement issued and then our client, did she or did she not

10 republish that, is that a separate defamatory event.

11 THE COURT: Okay. Thank you very much. Now, at least

12 in this little small part of this dispute, I know where I am.

13 Okay. Thanks.

14 MS. MENNINGER: And the Adelson case, your Honor,

15 controls and says that referring back to a statement, such as a

16 previous press release, is not actionable, and summary judgment

17 has been granted on such alleged republications. So now, in

18 this motion in limine, is not the time to be dealing with the

19 substantive point that plaintiff basically conceded during

20 summary judgment.

21 Thank you.

22 MS. SCHULTZ: Hi, your Honor. Meredith Schultz,

23 counsel for Ms. Giuffre.

24 This motion in limine has already been decided by this

25 Court's summary judgment order, thereby rendering it moot in

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1 its entirety. Accordingly it should be summarily denied as
2 moot.
3 This motion should also be denied because it advances
4 the exact same arguments defendant advanced in her summary
5 judgment motion. She is seeking rehearing on her summary
6 judgment motion, dressed up as a motion in limine. Many courts
7 in this district have summarily denied motions in limine that
8 seek to relitigate arguments from summary judgment, and I have
9 listed six such cases on pages 7 and 8 of our response in
10 opposition. You ordered nine defendant's motions for summary
11 judgment. This Court rejects the argument that she should have
12 partial summary judgment on the January 4th statement. The
13 last sentence of that order states, "Because of the existence
14 of triable issues of material fact rather than opinion and
15 because the prelitigation privilege is inapplicable, the motion
16 for summary judgment is denied." Defendant's reiteration of
17 her defamatory press release confirming it two days later is
18 something that this Court did not rule that that is not
19 actionable. So she's seeking rehearing.
20 Also importantly, your Honor, Ms. Giuffre opposed
21 summary judgment on defendant's defamation in its entirety.
22 She opposed the motion for summary judgment in its entirety,
23 and this statement, as part and parcel of defendant's
24 defamation and part and parcel of defendant's motion for
25 summary judgment.

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1 THE COURT: Well, what do you say about the case
2 that's been cited?
3 MS. SCHULTZ: Well, about Adelson? I would say that
4 it's factually distinguished because here she is two days later
5 reiterating her defamatory statement. And I would also direct
6 you to the case in my brief, Wheelings v. Iacuone.
7 THE COURT: Let me just get the time frame right.
8 MS. SCHULTZ: Sure.
9 THE COURT: The initial statement is January, and when
10 is this?
11 MS. SCHULTZ: So, your Honor, the email that went to
12 the media, it was first issued on January 2, 2015; it was
13 published on January 3, 2015; and the statement took place the
14 next day, on January 4, 2015.
15 THE COURT: Okay.
16 MS. SCHULTZ: A recent opinion in this district, the
17 Wheelings case, makes it clear that you can't reargue summary
18 judgment on a motion in limine and also makes it clear that you
19 can't say, oh, because one person --
20 THE COURT: The issue is, was the second statement
21 defamatory?
22 MS. SCHULTZ: I think that was an issue at summary
23 judgment that Ms. Giuffre opposed in its entirety, and I think
24 that's already been resolved.
25 THE COURT: How?

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1 MS. SCHULTZ: Because it was denied, your Honor.
2 THE COURT: The motion was -- well, okay.
3 MS. SCHULTZ: Your Honor, even assuming, arguendo,
4 that this is not cause of action, it should still be admitted
5 as evidence. This is a motion in limine to exclude it as
6 evidence.
7 THE COURT: All right. Assume for the moment that the
8 case that counsel has given me is accurate, and then why would
9 it get in? What does it add?
10 MS. SCHULTZ: It adds state of mind, defendant's state
11 of mind in issuing --
12 THE COURT: The state of mind didn't change in two
13 days.
14 MS. SCHULTZ: Right. It says that she stood by her
15 statement and did not retract it.
16 THE COURT: Well, she certainly is standing by it
17 today.
18 MS. SCHULTZ: And your Honor, it shows one other
19 thing. Throughout this litigation defendant has tried to argue
20 that defendant had nothing to do with the defamatory
21 statements. In fact, just yesterday defendant's counsel was
22 saying that it was issued by her lawyer and by her press agent.
23 It's her statement, and in this video she is personally owning
24 it, and she can't hide behind her lawyer or her press agent.
25 THE COURT: Oh, okay, okay, okay.

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1 MS. SCHULTZ: So it goes to a material argument that
2 defendants have advanced.
3 THE COURT: So to the extent that becomes an issue,
4 and that's a whole other thing, as to whether she intended the
5 statement, I can see that.
6 Okay. All right. Anything else?
7 MS. SCHULTZ: Yes. I'm just going to say that this is
8 a motion in limine and there are no evidentiary problems with
9 this piece of evidence. This is the defendant herself on
10 camera, this is not hearsay, and there's no Federal Rule of
11 Evidence that should exclude this.
12 THE COURT: Okay. Do you want to add anything?
13 MS. MENNINGER: No, thank you, your Honor.
14 THE COURT: Okay. Thank you.
15 What else?
16 MR. PAGLIUCA: Your Honor, we can take up the
17 bifurcation issue that's presented in 662 and 766, and then
18 there was a reply filed last evening.
19 THE COURT: Yes.
20 MR. PAGLIUCA: Your Honor, I think -- well, I don't
21 think. The law is very clear on this issue in this circuit.
22 There is a --
23 THE COURT: Well, I think we can shorthand this.
24 MR. PAGLIUCA: Yes.
25 THE COURT: Yes, yes. Maxwell's money doesn't come in

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1 on the liability case. That's your position.

2 MR. PAGLIUCA: That is my position, your Honor.

3 THE COURT: I think that's correct. Tell me why

4 that's wrong.

5 MR. CASSELL: All right. Thank you, your Honor.

6 The problem, as usual, is, yeah, her net worth doesn't

7 come in at the liability stage, but I think the defendant is

8 trying to get the camel's nose under the tent and say, oh, if

9 financial issues don't come in, then you can't --

10 THE COURT: Well, I don't know what financial issues

11 you mean. He's saying no introduction of her finances -- that

12 is, how much money she's got or where it comes from or anything

13 like that comes in.

14 MR. CASSELL: As I understand the motion, it's with

15 reference to her "financial status."

16 THE COURT: Well, I just told you what I think that

17 means.

18 MR. CASSELL: Right. And I think, with the

19 construction that you were just giving, I'm not sure that we're

20 concerned about this, but let me be clear.

21 THE COURT: What would you like to present?

22 MR. CASSELL: There were three or so things we would

23 like to present. If your Honor rules that Ms. Giuffre's tax

24 compliance can go to her credibility, then we would like to be

25 able to reciprocally say, all right, then Ms. Maxwell's tax

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1 compliance, if there is questions about that, could be
2 introduced. We think that there shouldn't be tax compliance
3 issues coming in with regard to Ms. Giuffre. They've said,
4 well, that goes to her credibility. What's good for
5 Ms. Giuffre should be good for the defendant. But again, to be
6 clear, we don't want to turn this into a tax trial; we want it
7 to be a defamation trial. But they've made an argument, tax
8 issues are relevant to Ms. Giuffre. Then we would like to have
9 a parallel opportunity then with respect to Ms. Maxwell.
10 The other thing we have, for example, we're alleging
11 there's a organization that is paying girls to give sex to
12 Epstein. And who's making the payments? Well, Ms. Maxwell,
13 among others. We have her on bank records, at the Epstein
14 mansion, where she's in charge of the --
15 THE COURT: Well, that's different.
16 MR. CASSELL: Yes, and that's exactly --
17 THE COURT: That's not her financial status.
18 MR. CASSELL: Right. So that's not her financial
19 status. For example, we want to show those kinds of payments.
20 We also want to show more broadly that Ms. Giuffre and the
21 other girls were not coming into a bungalow in the middle of
22 Hoboken or whatever. They were coming into a mansion in one of
23 the most --
24 THE COURT: Well, that's got nothing to do with her
25 financial status.

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1 MR. CASSELL: All right. Well, we thought, when we
2 filed our response, they continued to oppose it. If they had
3 just stipulated, you know, I wouldn't be taking your Honor's
4 time.
5 But this is where I think they're taking a narrow
6 uncontested principle, that her net worth doesn't come in, and
7 are going to try to use it to exclude evidence that Ms. Maxwell
8 is making payments to the girls, that this mansion is a very --
9 THE COURT: Well, okay. I don't think so.
10 MR. CASSELL: Let me just make sure that I have on the
11 table the things that we want to introduce.
12 For example, Mr. Epstein purchased a helicopter for
13 Ms. Maxwell, and they might say, oh, well, that shows financial
14 status or something. We think that shows a very close
15 connection.
16 Well, the last one and perhaps the most controversial
17 one in connection with this case is the townhouse. It is our
18 belief that a --
19 THE COURT: Well, wait a minute. What's the basis of
20 your belief?
21 MR. CASSELL: The basis for our belief is, I believe
22 they've conceded that there was a sale of a $17 million
23 townhouse in 2016.
24 THE COURT: Okay. Is it the defendant's townhouse?
25 MR. CASSELL: Yes. So the question is --

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1 THE COURT: So that's part of her net worth. I mean,
2 that's part of the financial part. I don't see how that gets
3 into the liability case.
4 MR. CASSELL: Right. So Epstein was the one who
5 provided the loan to get that --
6 THE COURT: Says who?
7 MR. CASSELL: Ms. McCawley, who took Maxwell's
8 deposition, is advising me that during Maxwell's deposition,
9 she conceded that.
10 THE COURT: Well, all right. Okay. But that isn't
11 financial information. That's the relationship between Maxwell
12 and Epstein.
13 MR. CASSELL: Right. I think you and I are on the
14 same page. My concern is that we may, as on other issues, may
15 not be on the same page with the defendant.
16 THE COURT: I don't think so, but maybe I'm wrong.
17 MR. CASSELL: There's one other point, if I can just
18 be heard on the townhouse. The townhouse was sold at a time
19 shortly after Ms. Maxwell is discussing with her advisers, hey,
20 I could get sued for libel. We believe that transferring
21 $17 million outside the jurisdiction of your Honor --
22 THE COURT: Tell me about that after you've got a
23 verdict.
24 MR. CASSELL: All right. But we want to introduce it
25 during the trial to show consciousness of guilt, that she is

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1 transferring assets away from the jurisdiction of the court
2 because --
3 THE COURT: She sold the house.
4 MR. CASSELL: Right. After she wrote an email that
5 said, hey, I could get --
6 THE COURT: You can't argue, I don't think, that
7 that's an admission.
8 MR. CASSELL: We believe it goes to consciousness of
9 guilt, and we've cited a case in our brief to that effect.
10 But I think if you have a difficulty with that small
11 piece of our argument, I mean, I think the rest of it is
12 really, you know, the meat and potatoes here, so --
13 THE COURT: Okay. Yes.
14 MR. PAGLIUCA: Your Honor, I'm going to not try to
15 belabor this, but I have to respond to some of the points, just
16 so that the record is clear.
17 The language that we proposed to the Court about the
18 financial status comes from the very cases that are in the
19 Second Circuit, and that's the words that the Second Circuit
20 and district courts in the Southern District use. And I quote
21 from Tillery: No evidence as to defendant's financial status
22 may be presented to the jury during the first phase of the
23 trial by either of the parties to this action. And the Second
24 Circuit says that that's the preferred method. Mr. Cassell, I
25 think, knowing that he's losing this battle, then tries to

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1 change it.

2 But first of all, let's talk about this consciousness

3 of guilt issue. And not only the supposed facts behind this

4 but the law that they cite. There are references to a New York

5 Post article that is the --

6 THE COURT: Well, that's no good, obviously.

7 MR. PAGLIUCA: Of course. And then there's a

8 reference to Radar Online. That's their entire evidentiary

9 basis for the proffer that they just made to you, your Honor,

10 about this townhome. It doesn't fly. And I don't need to

11 spend --

12 THE COURT: Well, wait a minute. There was a little

13 bit more. There was Maxwell saying she got a loan, they say,

14 from Epstein to buy the house.

15 MR. PAGLIUCA: What she said, your Honor -- and I

16 wrote it down because I looked at the deposition transcript

17 last night.

18 First of all, I think it's important for this

19 discussion, we allowed questions relating to anything financial

20 with Mr. Epstein. So the one instruction that I gave to

21 Ms. Maxwell during this deposition was, anything they ask you

22 about Epstein is fine. I'm not going to let you talk about

23 your own personal financial information because it's not

24 discoverable at this point. And so they had fair opportunity

25 to ask her questions. They asked her questions about the

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1 townhome, and she said part of it was a loan from Mr. Epstein
2 that had been paid back, and that's going to be years ago,
3 before any of the defamatory allegations arose in this case.
4 That's my understanding of the factual basis here.
5 So we can I think deal with that particular issue, you
6 know, if and when it comes up, but what I'm saying to the
7 Court -- I mean, the Court and I are on the same page -- the
8 sale of the townhome, the amount of the sale of the townhome,
9 you know, what did or didn't happen to the money from the sale
10 of the townhome, those are all off limits during the liability
11 phase of the trial.
12 THE COURT: Well, correct me if I'm wrong. We don't
13 have any evidence as to what happened to the proceeds of the
14 sale.
15 MR. PAGLIUCA: We don't.
16 THE COURT: Oh, okay.
17 MR. PAGLIUCA: There is none.
18 THE COURT: Okay.
19 MR. PAGLIUCA: And the notion that this money went
20 outside of the jurisdiction of the court is pure fiction.
21 Frankly, unless it went to some country that I'm unfamiliar
22 with, I think the jurisdiction of this court extends pretty
23 far.
24 THE COURT: I think that's for another day.
25 MR. PAGLIUCA: Right.

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1 The last point I want to make, your Honor, on this
2 issue of consciousness of guilt relates to the one case that
3 they cite for the proposition that there is some ability to
4 have a consciousness of guilt theory in a civil case. They
5 cite a Second Circuit criminal case in which the defendant was
6 a man named Amuso. This is at 21 F.3d 1251, and it's a 1994
7 case. Mr. Amuso was a leader in the Lucchese crime family who,
8 over a course of time, ordered 14 murders and then absconded
9 from the jurisdiction during the trial of a number of
10 co-defendants. And it was called "The Windows" case here in
11 New York, and you may remember it, your Honor, because it was
12 the Lucchese crime family that was controlling the replacement
13 window unions in the city of New York. So Mr. Amuso goes to
14 trial, and the government requested and received an instruction
15 to the jury that said not only his flight was consciousness of
16 guilt but the length of the absence of his flight was
17 consciousness of guilt. And in fact, the Second Circuit
18 reversed that instruction and disapproved it in that criminal
19 case but didn't reverse his conviction because the evidence of
20 guilt was overwhelming. So the one case that they cite for
21 this proposition in fact is inapposite to the position that
22 they're taking here today.
23 So I think your Honor and I are indeed on the same
24 page here, and I'd ask that the Court simply apply the law in
25 Tillery.

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1 Oh, Ms. Menninger reminds me, your Honor -- and I
2 think the Court and I are on the same page on this as well --
3 the tax argument made by Mr. Cassell. Indeed, Ms. Maxwell and
4 the plaintiff are not on the same footing in this case with
5 regard to who put their reputation at issue, who is claiming
6 emotional distress damages, and plaintiffs are in a much
7 different position than defendants when it comes to
8 cross-examinations about these issues, particularly in
9 defamation cases, because as Ms. Menninger pointed out earlier,
10 under Rule 405, everything that impacts the plaintiff's
11 reputation in the community, including the failure to follow
12 laws, is the subject of cross-examination. So the argument
13 that what is good for the goose is good for the gander in a
14 defamation case simply doesn't apply when you're talking about
15 damage issues and reputational issues.
16 Thank you, your Honor.
17 MR. CASSELL: Could I just have 15 seconds, your
18 Honor?
19 THE COURT: No.
20 MR. CASSELL: All right. Thanks.
21 THE COURT: Next.
22 MR. PAGLIUCA: Your Honor, we could next take up the
23 issue relating to the police reports which I have as
24 defendant's motion in limine to exclude police reports and
25 other inadmissible hearsay at 677, response at 747, and then

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1 reply was also filed yesterday.

2 THE COURT: Okay. Yes.

3 MR. PAGLIUCA: Your Honor, these reports, that are
4 loosely described as police reports, encompass a one-year
5 purported investigation by the Palm Beach Police Department
6 into the affairs of Mr. Epstein roughly beginning I think in
7 2005 and going through 2006. The detective initially assigned
8 to the case was a woman named Michelle Pagan, and then
9 Detective Recarey took over the investigation from Ms. Pagan.
10 There were a number of things, according to the reports --
11 although we don't really have any actual witness testimony,
12 with current knowledge. The police did a number of things.
13 They surveiled Epstein's house, they did trash pulls, and
14 ultimately they executed a search warrant at Mr. Epstein's
15 house. And that's sort of the totality of the investigation.

16 I give you that as the backdrop, your Honor, because
17 then next what seems to happen is very curious, in my
18 experience, and was testified to by Detective Recarey. The
19 police get crossways with the state attorney's office in
20 Florida, and there is a complete distrust between the two
21 agencies. As a result of that -- and there's a bunch of
22 in-fighting that goes on between these two agencies. The
23 police make the decision to, in some fashion, turn over
24 everything that they have to the FBI. And as best I can figure
25 it out, the FBI issued a grand jury subpoena, or the U.S.

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1 Attorney's Office, in the Southern District of Florida, issued
2 a grand jury subpoena for the entirety of the Palm Beach Police
3 Department's evidence relating to the Epstein investigation.
4 So as we sit here today and indeed for the last ten years since
5 2006, the Palm Beach Police Department has not been the
6 custodian of any of this evidence.
7 And so that's the factual backdrop to then what
8 becomes continuing problems with the types of evidence that I
9 anticipate the plaintiffs are going to try to introduce in this
10 case. The first is these police reports themselves. And that
11 is about 87 or 88 pages of documents, depending on which
12 iteration of these police reports someone is looking at. That
13 essentially runs through the course of the investigation. And
14 I'm sure things that your Honor's seen before, you know, police
15 officer does something, they put it down on a piece of paper,
16 somebody puts it into a system, and then that's where it goes.
17 But the problem here, fundamentally, with these police
18 reports --
19 THE COURT: Let me back up just a moment.
20 MR. PAGLIUCA: Yes, sir.
21 THE COURT: How are these going to be entered into
22 evidence? They're not self authenticating.
23 MR. PAGLIUCA: They're not.
24 THE COURT: So how are they going to be presented?
25 MR. PAGLIUCA: Good question, your Honor.

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1 MS. McCAWLEY: Do you want me to address that, your
2 Honor? I mean, it's our evidence that we're trying to get in.
3 Or do you want me to wait?
4 THE COURT: Well, you don't know. The defense doesn't
5 know.
6 MR. PAGLIUCA: There is no way. There is no way to
7 present these documents, your Honor.
8 THE COURT: Yes. Okay. All right. Because there's
9 no DOJ witness listed.
10 MR. PAGLIUCA: There is no record custodian at all for
11 these documents. Detective Recarey in his deposition -- and
12 you have this, the relevant answers to these questions --
13 acknowledged that they don't have any of this evidence. And so
14 that's going to be, you know -- you have seen, in multiple
15 filings from the plaintiffs, they attach excerpted documents
16 containing what they say are phone messages secured from the
17 trash pulls. So that would be an example of evidence for which
18 there is no record custodian. Frankly, I don't know who the
19 source of any of that information is. This is yet another
20 piece of information that has appeared, I'm presuming through
21 Mr. Edwards getting it somehow, you know, in relation to some
22 other case and then it appears in discovery in this case. And
23 what it looks like is, you know, a number of, you know, what
24 they say are photocopies of message pads from Epstein's trash.
25 But there is no person who will say, this particular piece of

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1 paper came from Epstein's trash in the first instance. There
2 is no person that will say, we kept these documents and we have
3 the originals and you can come look at them and you can test
4 them and feel them. There is no person that will say any of
5 that because it went to the grand jury and presumably, under
6 Rule 60, it's never coming out of the grand jury again.
7 So the other point about these message pads is, I
8 don't to this day know whether that's just hand-picked portions
9 of whatever plaintiff's counsel got years ago or it's the
10 entirety of what, you know, Palm Beach did or didn't do, but
11 when I asked Detective Recarey those questions in his
12 deposition, he said, I can't tell you if that's everything. I
13 just got handed this stuff by plaintiff's counsel, you know, in
14 the course of this deposition, and that's all I can tell you
15 about it. So that's another piece of this that's problematic
16 for the plaintiffs.
17 There's another issue that relates to a transcript of
18 a witness, Ms. Hall, and the plaintiffs, I think, want to try
19 to introduce that transcript or, alternately, what they say is
20 an audio recording of an interview with her, and I'm not sure
21 which they are trying to introduce, but there are problems
22 either way. The transcript, what I will call the Hall
23 transcript, was in fact not prepared by the Palm Beach Police
24 Department. According to Detective Recarey, he had never seen
25 it before, during his deposition, and he surmised that it had

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1 been prepared by the state's attorney's office but he didn't
2 know. So what happens then with this transcript is, there is
3 an attempt at a deposition of Ms. Hall in Miami, this summer,
4 and Ms. Hall comes in and she sits down, and she doesn't want
5 to answer any questions about anything, and she says, I don't
6 remember anything about any of this. Her lawyer says, she
7 doesn't remember anything about any of this and she spent the
8 last ten years forgetting about all of this and she's not going
9 to remember anything about this. Mr. Edwards then puts the
10 transcript in front of her and she doesn't look at it. She
11 doesn't even look at the transcript. She doesn't turn the
12 page. She doesn't read any of it. There's a question asked at
13 some point later: Isn't it true that everything you said in
14 the police department was true? And then shortly after that,
15 the deposition ends. And they're trying to say that that is a
16 sufficient factual basis and an evidentiary basis for the
17 admission of this transcript, which is, you know, unsponsored
18 hearsay.
19 There's a similar problem with this recording because
20 Ms. Hall never listened to the recording, never authenticated
21 the recording. And so there's no evidence whatsoever that it's
22 Ms. Hall's statement or that it was subject to any
23 cross-examination.
24 So to try to get around all of these evidentiary
25 problems, now what's being advanced by the plaintiffs is, well,

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1 we're not offering any of this for the truth of the matter
2 asserted. So 87 pages of police reports, a hundred pages or
3 however many there are of trash, you know, witness transcripts,
4 no, no, no, no, none of that is being offered for the truth of
5 the matter asserted, we want to offer it to show Ms. Maxwell's
6 state of mind when she issued her statement through Mr. Barden
7 and Mr. Gow. So the huge problem with that, your Honor, which
8 we've already dealt with, is, Ms. Maxwell has no knowledge of
9 what's in these police reports, the trash pulls, any of these
10 things, and so as a matter of law, this can't be part of her
11 state of mind.
12 What is instructive on this point, your Honor, I went
13 and read every single case that plaintiff's counsel cited for
14 this proposition that it is state of mind, and what's great
15 about these cases, frankly, every single one of them, whoever
16 the statement is being introduced on behalf of, or against,
17 knows about the statement. So when you look at their papers,
18 they cite United States v. Gotti for the proposition that it
19 goes to state of mind. Well, you know who Mr. Gotti is, and
20 Mr. Gotti was charged with witness tampering. Mr. Gotti wanted
21 to introduce some wiretapped statements that the FBI had, where
22 he was talking to an informant and telling the informant things
23 that Gotti said went to his state of mind. Well, the Second
24 Circuit said, yes, you can do that, Mr. Gotti, first of all,
25 because the government's introducing part of these transcripts,

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1 and second of all -- so that's a rule of completeness, and
2 second of all, you were there and you heard it and therefore,
3 it would go to your state of mind and not for the truth of the
4 matter asserted.
5 The next case is United States v. Dupree. That's
6 another criminal case in this circuit, where a bank fraud
7 defendant was the subject of a temporary restraining order
8 issued to that defendant, okay? So, you know, he has a
9 temporary restraining order, you can't take any money out of
10 this bank unless you do X, Y, and Z. Well, he took the money
11 out of the bank without doing X, Y, and Z, and when he came to
12 trial in his criminal case, the government was allowed to
13 introduce that restraining order because it was his restraining
14 order, he knew about it, and it showed his willful intent to
15 defraud as part of the bank fraud. So that's that case.
16 Arista Records, LLC v. Lime Group, LLC was another
17 case they rely on. Again, these are emails that are being
18 talked about that were written by the defendant's employees and
19 then the responses to those emails. So clearly the defendants
20 LLC had corporate knowledge of those things. Screenshots of
21 software programs, statements made by an agent of the
22 defendant, those are all the things that we're talking about in
23 that case, and so there's actual knowledge of the entity of
24 those statements, which then can go for state of mind.
25 There are two more cases. Crescenz v. Penguin Group,

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1 and the case says, it's undisputed the defendant had actual
2 prior knowledge of the issues, of the at-issue statements that
3 were offered by the defendant. Again, the statements were made
4 to Crescenz.
5 And then the last case is a 1983 case, Tierney v.
6 Davidson. That involved civil rights violations and objective
7 reasonableness by the officers who conducted a search of a
8 building. I think the Court knows from doing this kind of work
9 that pretty much anything in an officer's head is allowed in a
10 qualified immunity case, because whether the officer did
11 something that was objectively reasonable or not depends on
12 what's in the officer's head, and so there is (A) an exception
13 in these kinds of cases, but (B), in fact, the evidence that
14 was being discussed in the qualified immunity situation related
15 to statements that the officers had heard, which formed the
16 basis of why they went into a building.
17 So in each and every one of these cases and all cases
18 that deal with state of mind, the person who it is being
19 introduced either for or against, not for the truth of the
20 matter asserted but for their state of mind, has to know about
21 it.
22 You have attached to our reply an affidavit from
23 Ms. Maxwell who says she's never read any of these police
24 reports prior to January 2015. And there is good reason for
25 that, your Honor. It's not easy to get these police reports.

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1 As you've heard, the chain of custody behind these things after
2 2006 is a little sketchy. And, you know, it requires some
3 effort. And so, you know, ordinary folks I don't believe are
4 going to be, you know, rooting around trying to ferret out
5 police reports from South Florida. Even if you get them, they
6 are heavily redacted, and so when one looks at them, it's
7 virtually impossible to tell who's at issue, who's saying what
8 about whom, because there are lots of blackouts through these
9 police reports. We managed somehow -- and frankly, I don't
10 even know how -- to get an unredacted copy, and Detective
11 Recarey was surprised when he saw the unredacted copy because
12 he said, we always redact these things. And so I'm unclear as
13 to how ours is unredacted, but in any event, there is one out
14 there. But I don't know how we got it.
15 The other point on this, your Honor, is, again, there
16 is some liberty taken in the plaintiff's papers about what
17 Ms. Maxwell said or didn't say in her deposition about these
18 police reports, and they try to make hay over, she knew about
19 the police reports by the selective presentation of that
20 deposition testimony. And I've cited the actual quote for you
21 in the reply brief, but what is notable, in my view, is that
22 when Ms. Maxwell is presented with these police reports, it is
23 for the first time at her deposition by Ms. McCawley, and there
24 is an exchange in the transcript where Ms. McCawley and
25 Ms. Maxwell are going back and forth and Ms. Maxwell says, you

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1 know -- she's holding these police reports and she says, I know
2 there is a police report. We go on 300 pages or so in the
3 deposition, and it is clear from the transcript that when we
4 get back to the police report issue again, Ms. Maxwell is being
5 asked questions by Ms. McCawley. Ms. McCawley says -- and this
6 is at page 169, lines 4 through 8 -- "Now that you have the
7 police report that I showed you this morning that you had an
8 opportunity to look at it," and Ms. Maxwell responds, "You gave
9 it to me. I did not look at it." And there was no really
10 other questioning at the deposition about Ms. Maxwell's
11 knowledge of these police reports.
12 So the record on this issue, your Honor, which is
13 going to continue to be the record, is that Ms. Maxwell has no
14 knowledge of this police report, the investigation, anything
15 that's going on with Mr. Epstein substantively during this
16 investigation by the Palm Beach Police Department. So that's
17 why it's not admissible. They try to cobble together what they
18 view as sort of indicia of she should have known about what's
19 in these police reports, and they first of all say -- we get
20 back to this Dershowitz joint defense agreement issue, which I
21 touched on yesterday, but you're going to hear it again today,
22 so I think it's worth mentioning again. And here are the
23 quotes exactly from Mr. Dershowitz' deposition.
24 Mr. Dershowitz -- somebody objects during this deposition, and
25 then there's a colloquy. There's an assertion of privilege.

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1 There's a little bit more colloquy, and then Mr. Dershowitz
2 says: "This is a long time ago. My recollection is that very
3 early on there was a joint defense agreement between several of
4 the people who were of interest to the district attorney and to
5 the federal government. That's my recollection. And I would
6 only want to resolve doubts in favor of privilege." Then
7 Mr. Dershowitz says: "We can check further. I would be happy
8 to answer the question if it's not privileged." That's the
9 testimony that they say supports their assertion of this joint
10 defense agreement with Alan Dershowitz.
11 But there's more, your Honor. Mr. Edwards -- again,
12 who is a party in this deposition and not a lawyer -- chimes in
13 to the special master and Mr. Dershowitz: "Q. Ghislaine
14 Maxwell was never the target of the investigation, was she?"
15 Confirming and arguing that Dershowitz is wrong about this
16 joint defense agreement at the time. And Dershowitz is
17 admitting that he doesn't really know and we should check and
18 we'll get back and people can ask these questions if I'm wrong
19 about this agreement.
20 They also take liberty with Ms. Maxwell's discussion
21 in her deposition about her knowledge about what happened to
22 Mr. Epstein and what he pled guilty to. When you look at those
23 pages of the transcript, you know, she says, I know he went to
24 jail, and then there's a back-and-forth between Ms. McCawley
25 and Ms. Maxwell about what did he go to jail for, and

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1 eventually Ms. Maxwell says, you know, I'm not really sure what
2 he went to jail for. It had something to do with, she
3 thinks -- Ms. Maxwell -- teenage prostitution or under-age
4 prostitution or something like that. That certainly doesn't
5 give you the ability then to ram in 400 pages of uncorroborated
6 hearsay under the idea that somehow this is notice to somebody.
7 And I think there is one other factual claim that they
8 make about, you know, what Ms. Maxwell should have known, which
9 is not the standard. It is not incumbent upon an individual
10 defendant to go investigate things. That's not the standard.
11 It seems to me that they have conceded that these
12 documents are hearsay because they're saying, we're not
13 offering them for the truth of the matter asserted; we want to
14 offer it for this knowledge theory that we have.
15 So I've briefed the issue about business records,
16 which they are not. I've briefed the issue about government
17 police records, which they are police records, but essentially
18 the same tests for business records applies to police records,
19 which is, you have to be under a business duty to record the
20 information, and court after court after court after court,
21 across the country, has said, people in police reports, like
22 witnesses, are not under a business duty as part of the police
23 department. So all of those statements, the second- and
24 thirdhand hearsay statements, are inadmissible, either as
25 government records or police records or whatever you want to

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1 call them. They're just simply inadmissible for the truth of
2 the matter asserted. You know, there may be a few things in
3 these police reports that someone could, if they had a record
4 custodian available, try to offer into evidence, but we don't
5 have that here.
6 And so I think for all of those reasons, your Honor,
7 this is a very strong motion that should be granted by the
8 Court.
9 MS. McCAWLEY: Good afternoon, your Honor. Thank you.
10 The reason why they're battling so hard on this
11 document is because it's so critical to the case. This is a
12 police report that records numerous, over 20, under-age minors
13 saying virtually the exact same story that my client gave about
14 her abuse, over and over and over again. What they didn't say
15 to you -- they skirt around Detective Recarey. You have his
16 entire deposition transcript, which we've noted for next week,
17 with all of his testimony. He took these statements. We went
18 through the business records exception with him. He walked
19 through, yes, I recorded this in the course of my work. We've
20 got it in our papers. I did this under my duty. I interviewed
21 these witnesses. I recorded it, etc., etc., etc., all in this
22 document. I mean, with every document that's come up, they
23 claim, particularly government documents, this is something
24 that we've found out of thin air and that it has no value to it
25 or trustworthiness. He sat in his deposition as the detective

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1 who handled this entire investigation and walked through each
2 of those people, your Honor, and walked through how he recorded
3 it in this document. So this is authenticated through
4 Detective Recarey, who is a witness in this trial, on our trial
5 exhibit list.
6 To be very clear, this document is so critical because
7 it mentions Maxwell in it. It talks about Maxwell's stationery
8 being at the house, it talks about other issues with respect to
9 Maxwell. When I asked her at her deposition and I gave her
10 this document -- and you can look at the testimony, your Honor,
11 we want you to look at the testimony -- she says: I've seen
12 it. Later in that deposition, they talk about her battling me
13 over she wouldn't look at certain things I gave her, in front
14 of her, right? So there was an attitude issue during that
15 deposition that I had to manage. And that was what was coming
16 up in that section. It wasn't that she didn't say she had seen
17 it. But your Honor, we are allowed to put that in front of
18 her, in front of the jury, and say: Did you know about this at
19 the time in 2005 when you were photographed kissing Epstein on
20 the day the investigation started? You were working for him.
21 You've admitted that. You didn't know about all these little
22 girls coming to the Palm Beach house that you were working at,
23 that you claim you were the house manager for? We should be
24 entitled to get this in --
25 THE COURT: That is for the truth of the matter.

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1 MS. McCAWLEY: Whether she knew about it. That's not
2 for the truth of the matter, your Honor. That's what she knew
3 at the time, right, she made the statement, did she know about
4 all these individuals in the police report, did she know about
5 this. So that can be offered not for the truth but to show
6 whether she knew about it. Whether she knew that at the time
7 she was making that statement, it was false, because not only
8 did my client get abused there but so many other girls as well.
9 So, your Honor, that's part of it. And in your order,
10 in your June 20th order, you said --
11 THE COURT: Excuse me.
12 MS. McCAWLEY: Sure.
13 THE COURT: You say the detective authenticated these
14 documents. He didn't authenticate them in the sense of saying
15 that these are part of the file. I mean, it's not that kind of
16 an authentication.
17 MS. McCAWLEY: It is, your Honor. There are two
18 different things, and I'm jumping around a little bit, so
19 that's my fault. I'm sorry. But there are a series of
20 questions -- and I believe it's in our brief but it's also in
21 our designations -- where we walked through with him how he
22 conducted the investigation, how he recorded the information of
23 these witnesses, the interviews of the witnesses, the fact that
24 they were reported in this document, etc., in his testimony.
25 So that's one piece. And that's why this could come in under

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1 the business records exception. But even if it weren't to come
2 in under the business records exception, it can come in not for
3 the truth of the matter asserted but to show for knowledge.
4 And you say in your June 20th order, "Notwithstanding the
5 questions are directed to reveal relevant answers regarding
6 defendant's knowledge of plaintiff's allegations, that
7 knowledge goes directly to the truth or falsity of the
8 defamation, a key element of plaintiff's claims." In other
9 words, what Maxwell knew at the time she's making the statement
10 goes to the truth of the falsity of those statements, and that
11 includes this police report, your Honor, so we believe that
12 it's critical evidence to show that. And you'll see that,
13 again, she was working for the defendant at the time that this
14 investigation happened. She has testified to that. She was on
15 the flights with him at the time this was going on over 300
16 times during that period.
17 THE COURT: You know, spare me the flights, okay?
18 MS. McCAWLEY: Sure. Okay.
19 THE COURT: I've heard that before.
20 MS. McCAWLEY: Sure. I'm sorry, your Honor. I'll try
21 to cut to the chase here.
22 So certainly, you know, it's interesting, because you
23 heard defense counsel here not too long ago saying that they
24 wanted to get in police reports of an under-aged minor,
25 Virginia Giuffre, from when she was 14, being raped by two

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1 other boys, right? But now police reports are not allowed in
2 at all, right? A police report where I've got the detective
3 coming to testify about the police report that he took in his
4 investigation, oh, but that can't come in. And what's
5 interesting is, they went through all of our cases but they
6 failed to look at their own cases, because Smith, which is a
7 case that they cite in their brief on trying to get the police
8 reports in, a Southern District of New York case, says that
9 this can come in. It says, "Statements in a police report are
10 not inadmissible hearsay where, as here, they are not offered
11 for the truth of the matter asserted but for purposes of
12 showing whether the arresting officer had the information
13 giving them probable cause in that instance." So what we are
14 doing here, your Honor, is putting forth this police report to
15 show whether or not Maxwell had the knowledge of that, which we
16 are entitled to ask her those questions at trial, your Honor,
17 and to utilize this police report in that regard.
18 So, your Honor, it comes in for two reasons. One,
19 under the hearsay exception, which is the business records
20 exception through Mr. Recarey's testimony, which is detailed in
21 our briefs. He was deposed for a full day. He walked through
22 all of these documents in his investigation, and we laid out
23 that, the standard in there. He testified that it was a record
24 kept in the regular course of his work. He testified that it
25 was something he had to do in accordance with that work. He

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1 testified that he was the primary author of that and that it
2 had -- and of course it had the trustworthiness, your Honor.
3 So we were very careful, because we knew how important this
4 document was, to walk him through that when we had him at his
5 deposition. And again, your Honor, those deposition
6 designations are set forth for next Wednesday.
7 THE COURT: How do we know that this is the total
8 record? Or is it the total record? We don't know.
9 MS. McCAWLEY: Well, Recarey testified -- we showed
10 him this document as an exhibit in his deposition, and he
11 testified regarding this being something that he recorded in
12 the course of his own work.
13 THE COURT: But it's part of the record. Is it all of
14 the record?
15 MS. McCAWLEY: Meaning all of the record of the entire
16 investigation? We have produced that in discovery, your Honor,
17 through the -- we have a FOIA response, which is how we got the
18 videotapes of them walking through the Palm Beach house, all of
19 the other materials related to the investigation.
20 THE COURT: I see. Okay.
21 MS. McCAWLEY: So then, your Honor, we deposed the
22 detective to try, of course, to establish that this was the
23 record to get into evidence.
24 Your Honor, they also mentioned -- and this is
25 actually in the in toto motion, but they jumped to it so I need

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1 to address it, and that is one of the witnesses in here, AH,
2 who was a minor at the time, also gave a recorded statement as
3 part of that. We took her deposition, and they're, you know,
4 in my view, vastly misrepresenting the deposition. And you can
5 look at the quotes themselves, but she testified in great
6 detail about the activity at the house, verifying that what she
7 said in her recording and in the police report was in fact
8 correct. And she is a witness on our trial list. She is a
9 minor who was abused in the same manner that my client was.
10 She was exposed to him on a number of occasions. And we have
11 her testimony, and we have sought to enter that as a witness in
12 this case. And again, that's in the in toto motion which I
13 think is being heard next Wednesday, but just to address it,
14 since they raised it.
15 The other issue they raised are the message pads.
16 These have come up from time to time in this case and come up
17 through different witnesses. Now the message pads come in in a
18 number of ways. One is Juan Alessi, who is one of the house
19 butlers. He testified that those were the messages for which
20 they recorded -- we showed him the messages. Yes, that's my
21 signature. Yes, this is how we recorded our messages. He
22 worked at the house. That was his duty to do those things.
23 Maxwell's on those messages as well, so we intend to ask her
24 about those, you know, were you having three girls come on this
25 particular day, etc., etc.? So those are documents that should

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1 come into evidence because they have been validated by an
2 employee who works at the home and are things that should be
3 able to be utilized at trial, and Maxwell should be able to be
4 shown those and explain whether or not there is some issue with
5 respect to those statements.
6 So your Honor, that's all evidence that we do want to
7 enter at the trial, and certainly we have done our diligence
8 with respect to the police report to make sure that we do have
9 Detective Recarey's testimony on it. I submit if you review
10 that, you will see the reason why that it should come into
11 evidence. But regardless of the hearsay issue and the business
12 records exception, again, as you said in your June 20th
13 order, the point of defendant's knowledge at the time she made
14 a defamatory statement is very significant in this case, so if
15 she knew -- even if she didn't believe my client, if she knew
16 that there had been a number of other under-age minors that
17 were abused in this circumstance, to call my client a liar in
18 the face of all that knowledge is something the jury should be
19 able to consider. So that is a piece that is important and
20 relevant to this case. And you can always give a cautionary
21 instruction. If you're concerned at any level, as you know,
22 you could add a cautionary instruction with respect to the
23 police report. But we should be entitled to ask her questions
24 on the stand when she's under oath about what she knew with
25 respect to this very significant document.

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1 Thank you, your Honor.
2 MR. PAGLIUCA: Briefly, your Honor.
3 So first, we're doing a mix and match here of
4 different things, which I like the rules of evidence because
5 they're rules and I can read them and they say what they say.
6 Even if, even if, you had a gold-plated record
7 custodian from the Palm Beach Police Department come in here
8 and make all of the findings that you needed to find as a
9 business record exception or a government record exception, the
10 case law is absolutely clear that second- and thirdhand hearsay
11 is inadmissible through police reports.
12 I use this example because it's a good one, I think.
13 As part of my practice, I represent people accused of crimes,
14 and so we get discovery as part of my practice. Guess what?
15 That goes into my files and I keep it as a matter of course,
16 and it is a business record of mine because I keep it in due
17 course. Now that doesn't mean that it simply would get
18 admitted into a trial whole cloth for the truth of the matter
19 asserted, just because it's a business record of mine. And
20 why? What's the answer? Because the statements that are
21 included in the police report, or the discovery that I get,
22 that I put in my file and I keep very carefully as a business
23 record, don't magically become nonhearsay, because the people
24 who are making those statements are not under any business duty
25 to report to me. And that's what the business record exception

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1 is all about. There is trustworthiness when someone, you
2 know -- if it was a billing record of mine, that's a different
3 story. But the business record exception, 803(6), everyone in
4 the chain of the hearsay link has to be under a business duty
5 to report. So there are cases where officers are allowed to
6 testify about things that they wrote in their report because
7 they observed them or another officer told them or it was a
8 test that maybe happened within the police department. But
9 what they're not allowed to talk about, under a business record
10 exception, are witness statements. And that's what
11 Ms. McCawley wants to try to introduce to the jury in this
12 case -- 87 pages of witness statements from people who we don't
13 know who they are and there's no evidence that they had any
14 association with Ms. Maxwell.
15 Let me finish with this state of mind issue.
16 THE COURT: But before you do, why isn't it an 803(6)
17 exception?
18 MR. PAGLIUCA: It could be, your Honor. So 803(6) --
19 THE COURT: Okay. So what you're saying is, yes, the
20 reports could get in, but not the hearsay part.
21 MR. PAGLIUCA: Exactly. That's exactly right.
22 THE COURT: Well, okay. Of course what the plaintiff
23 would say to that is, okay, fine.
24 MR. PAGLIUCA: Well, then you're redacting
25 90 percent --

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1 THE COURT: I didn't say redaction. It's hearsay,
2 it's not being offered, but of course it is being offered for
3 the truth of the matter.
4 MR. PAGLIUCA: Exactly. You know, this is a
5 smokescreen about it goes to Maxwell's state of mind. And when
6 you carefully go through these police reports, there is not one
7 of these alleged victims who identifies Ms. Maxwell as having
8 anything to do with any of this. Which is another important
9 point.
10 What I find curious, again, Ms. McCawley usually says
11 there are 30 victims identified in these police reports, which
12 isn't true. And when I asked Detective Recarey to go through
13 them with me and identify how many people he said were victims,
14 there were 17. And so now today she said there were 20. So
15 she's working her way my way. But, you know, that's the
16 problem here, your Honor. This is being offered for the truth
17 of the matter asserted. All they want to do is get in front of
18 a jury that there was a police department investigation in
19 which Epstein was the target and Epstein is alleged to have
20 done all of these bad things; therefore, you should punish
21 Maxwell because then they're going to say, she was his
22 girlfriend, she had to have known, yada, yada, yada, yada, he's
23 a bad person, she's a bad person, find her liable, and whack
24 her with a big damage award. That's what's going on here.
25 Thank you.

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1 THE COURT: What's next?

2 MR. CASSELL: The motion on Kellen and Marcinkova, our

3 motion to get in adverse inference.

4 THE COURT: Yes.

5 MR. CASSELL: If I can be heard on that, your Honor.

6 THE COURT: Excuse me. Let me go back to where we

7 were.

8 Those statements, the statements of the "victims," are

9 being offered for the truth, are they not?

10 MS. McCAWLEY: Your Honor, I do not believe they're

11 being offered for the truth because what we're saying -- we're

12 not saying whether or not what those victims said was

13 necessarily true. We're saying was she aware that there were a

14 number -- and they take issue with the number. I don't see a

15 difference between 17 and 30. But was she aware that there

16 were a number of other individuals making reports at the time

17 she said my client must have been lying about being abused as a

18 minor. So whether or not those are true or not, the reports,

19 was she aware that there were a number of reports out there

20 from other little girls saying that they were also brought to

21 the massage room. And that goes to her state of mind at the

22 time she made that statement where she defames my client

23 internationally.

24 THE COURT: Yes. But aware of the reports. How could

25 she be aware of the reports? Aware of the girls and the

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1 activity, that's the truth. But aware of the reports.
2 MS. McCAWLEY: Yes, your Honor, and the reason why she
3 could be aware of the reports is because she'll -- remember,
4 her testimony is that she worked for Epstein from the early
5 '90s until 2009. This investigation took place in 2006, your
6 Honor, during the course of the time she was allegedly managing
7 the Palm Beach home and his active employee, his right-hand
8 person. So yes, of course, we should be able to ask her those
9 questions, show her the report: Were you aware of this, of
10 these reports? Were you aware that these reports were made,
11 you know, as part of this investigation? And then she can
12 answer that.
13 THE COURT: Well, that's fine. You could do that.
14 You could show her the reports and say, were you aware of them,
15 but that would not get the hearsay part in.
16 MS. McCAWLEY: Well, your Honor, and of course we have
17 two other of the exceptions, the business record exception,
18 which we talked about, and we also noticed this as one of the
19 residual hearsay --
20 THE COURT: Yes, but even as a business record, I
21 think counsel is correct -- under the business records
22 exception, the activities of the cops and what they did, all of
23 that can go in, yes, because they're under a duty, etc., but
24 not the statements.
25 MS. McCAWLEY: So for example, one of the witnesses on

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1 our witness list is AH, who is in the report and she testified
2 in this case.
3 THE COURT: Well, that's a different issue. And you
4 said you're going to present her.
5 MS. McCAWLEY: Yes.
6 THE COURT: Well, all right. That's a different
7 question. But in other words, you could show her the report
8 and ask her if she's aware of these reports. I assume what her
9 answer is going to be. And that's the end of it.
10 MS. McCAWLEY: Well, your Honor, I mean, obviously
11 we'd like to enter the reports under the business record
12 exception through Recarey and through the residual hearsay --
13 THE COURT: But even if you do that, I don't see how
14 you avoid eliminating the hearsay.
15 Well, okay. All right.
16 MR. PAGLIUCA: Your Honor, could I have one final
17 comment on this. If they're not being offered for the truth of
18 the matter asserted, they're really not relevant to this case
19 is my final point, because if they're not being offered for the
20 truth of the matter asserted, at best it's a neutral as to
21 whether these things did or didn't happen. If they didn't
22 happen, they would certainly be supportive of Ms. Maxwell's
23 state of mind if she knew about them. If they're not being
24 offered for the truth of the matter --
25 THE COURT: Well, it might be material that she knew

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1 that there was an investigation.

2 MR. PAGLIUCA: You know, she could be asked that

3 question: Did you know there was an investigation? I think

4 she's going to say no. I gave you her affidavit in which she

5 said prior to making her statement, she had never seen these

6 police reports. So we all know --

7 THE COURT: That's a different question.

8 MR. PAGLIUCA: I understand. But we all know the

9 answer is, that's in these police reports, and I'm pretty sure

10 she testified at her deposition that she wasn't really aware of

11 this investigation. All she knew -- I think is what she

12 testified to -- was that Epstein went to jail and she knew at

13 some point he was a registered sex offender. Those are the two

14 things I think she knew at the end of the day at this

15 deposition. Anyway, I agree with you that the question, did

16 you know there was an investigation, you know, I suppose you

17 can ask that question and the answer will be yes or no,

18 whatever it is.

19 THE COURT: Okay.

20 MR. PAGLIUCA: All right. Thank you.

21 THE COURT: Okay. I'm sorry. Forgive me for

22 interrupting.

23 MR. CASSELL: No. Your patience has been appreciated

24 today, your Honor.

25 I want to address now the Marcinkova and Kellen

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1 adverse inference motions. We're a moving party. There are
2 reciprocal motions both ways on this. I have the numbers
3 available, if that would be useful. I believe 673 is the
4 defendant's motion and 689 is our motion. So those would be
5 the two motions going, obviously, in different directions.
6 Your Honor is familiar with these issues because of
7 the Epstein adverse inference motion that was argued I think
8 two weeks ago by me, and at that time -- I know you have not
9 yet formally ruled on the motion, but there was extensive
10 discussion about could we just kick this down the road to the
11 trial and see, you know, what Epstein says at that time and,
12 you know, after he testifies, sort out whether there's an
13 adverse inference. Again, you haven't ruled on that, but I
14 think I indicated at the time that certainly from Ms. Giuffre's
15 point of view, we would have no objection to handling
16 Mr. Epstein in that way. I want to make clear that we would
17 also have no objection to handling the Marcinkova and Kellen
18 issue in that way as well. You can put them on via deposition,
19 and then we could sort out in the context of the case with a
20 full record whether an adverse inference is appropriate. But
21 we surface the issue for you now so it wouldn't be something
22 you'd have to do on the fly in the middle of trial. And all
23 the allegations, of course, that have been made here, I think
24 it's important to put Kellen and Marcinkova on the conspiracy
25 scheme, if you will. The top of the conspiracy is Mr. Epstein,

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his right-hand player then is Ms. Maxwell, and in the conspiracy, again, in our view -- we understand the defense will take a differing point of view on this, but in our view, the conspiracy's next echelon is Kellen and Marcinkova.

And so for example, Ms. Giuffre has made allegations about certain things. Ms. Maxwell can't remember or denies them, so of course Ms. Giuffre then looks to corroborate her allegations of a conspiracy, and the first person she goes to is Epstein, and you're familiar with that. The second and third people that she goes to are Kellen and Marcinkova, because they report immediately to Ms. Maxwell in the conspiracy. And Ms. Giuffre is going to be talking about that during the course of the trial, and immediately the jury is going to wonder, well, gosh, I wonder what Kellen says about that? I wonder what Marcinkova says about that? And your Honor will recall that we went to great lengths to get them to testify. They were evading service, in our view. We ultimately had to come to your Honor to get alternative service, and it was only at that point that we were able to have them sit for their depositions. They sat for their depositions now, and what we hear from the defense, if I understand it, is that we don't have a good-faith basis for asking Kellen and Marcinkova, gee, weren't you a part of this sex trafficking and sex abuse conspiracy? I think the way they put it in their brief is, all of this evidence shows nothing

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1 other than Ms. Maxwell might have been at the same place at the
2 same time. It's just, you know, a happenstance they were in
3 the same place and that's not admissible. Well, your Honor
4 will notice in our opening brief on this, at pages 15 I think
5 through the next ten pages or so, we've gone through with a
6 chart and we've said, okay, here's the question we asked, and
7 then in the right-hand column of our chart we put in the
8 witnesses and, you know, the flight logs. I know other things
9 that your Honor is very familiar with. This is why we're
10 asking these questions. You know, the flight logs have been
11 talked about over and over again, but for good reason. Kellen
12 is on some of these flight logs, and what's up? Those are the
13 questions that we asked, and of course she takes the Fifth.
14 There are other things as well. For example, Sarah
15 Ransome testified, I witnessed with my own two eyes Sarah
16 Kellen reporting to Ghislaine in front of me, but I can't
17 remember specifics. They weren't talking about girls. I can't
18 remember the specific conversation, but every single person,
19 100 percent, 200 percent, reported to Ghislaine. Later on in
20 that same deposition -- that was at page 288 and thereabouts.
21 At page 387: I witnessed the same thing -- all the girls
22 did -- the same thing I had to do was go and report to Sarah
23 Kellen, Leslie Groff, and Ghislaine Maxwell. Ghislaine was the
24 main lady. So again, we have an allegation by our client that
25 Ms. Maxwell was a part of a larger conspiracy. That's one of

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1 the central issues, of course, in the case. One of the things
2 that was called an obvious lie. And so we want to bring in the
3 co-conspirators and ask them, Ms. Giuffre says you were in a
4 conspiracy and what's your side of the story on that? And they
5 take the Fifth. So there we are. The question is, are we
6 going to conceal that from the jury or are we going to present
7 it to them? Well, the Second Circuit case that your Honor is
8 well familiar with, LiButti, sets out the factors that have
9 determined that issue, and one of the things we hear from the
10 defendant is, oh, it's never been applied in a case like this.
11 I would just direct your attention, as I did during the Epstein
12 argument, to the case of FDIC v. Fidelity & Deposit Co. of
13 Maryland. That's a Fifth Circuit case from 1995, in which a
14 bank officer was accused of dishonest and fraudulent acts and
15 kind of bogus loans, and the Fifth Circuit allowed Fifth
16 Amendment invocations from the loan recipients to be used
17 against him, reasoning that, well, in this kind of a case, the
18 collusion then is shown by the Fifth Amendment invocation of
19 the participants in the conspiracy there. Fifth Amendment
20 invocations can be held against someone who's accused to be a
21 part of that conspiracy, which of course is exactly what we
22 have going on here in a civil context.
23 LiButti, by the way, the Second Circuit case, which is
24 controlling in this jurisdiction, favorably cites the Fifth
25 Circuit case in FDIC v. Fidelity & Deposit Co., explaining that

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1 that is one of the reasons why in the Second Circuit they think
2 this is a good rule of law, because they approve of the result
3 that the Fifth Circuit reached in that co-conspirator case.
4 And LiButti then goes on, as your Honor is well
5 familiar, with laying out four different factors. The first is
6 the nature of the relationship involved. The relationship here
7 is co-conspirators. They're in the immediate next echelon of
8 the conspiracy. They are direct reports in the business sense,
9 although this is a criminal enterprise, but Kellen and
10 Marcinkova are direct reports to Ms. Maxwell. Of course the
11 conspiracy continues. This is not just at the time of those
12 events. The conspiracy continues to today, and your Honor is
13 familiar with that from the fact that they were evading service
14 while we were trying to obtain their testimony last year.
15 Eventually they show up with lawyers, a Bruce Reinhart I think
16 is an Epstein lawyer; I think at some point Ms. Marcinkova had
17 Mr. Goldberger, who's an attorney for Mr. Epstein now. They've
18 both made significant efforts to evade service. Why? Because
19 in our view the conspiracy continues to this day. The
20 conspiracy is trying to conceal what was done to girls in
21 Florida over an extended period of time. The concealment
22 continues through the efforts not only of the defendant but
23 also through the efforts of Kellen and Marcinkova.
24 But there's more that binds them together even today.
25 Your Honor is of course familiar with the nonprosecution

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1 agreement that's at the heart of this case. Remember the issue
2 that we were talking about yesterday. The nonprosecution
3 agreement says to Mr. Epstein, we will not prosecute you, or
4 any potential co-conspirators, or, and then there were four
5 named individuals. Two of those named individuals are
6 Marcinkova and Kellen. So they're bound together and have a
7 common interest in trying to preserve that nonprosecution
8 agreement, which means, of course, attacking people who are
9 attacking the nonprosecution agreement, such as Jane Doe 3,
10 that is, my client, Ms. Giuffre.
11 And that is the first factor, the nature of the
12 relationship there. Very tightly bound.
13 The second one is the degree of control in which the
14 party has vested the nonparty witness in regard to key facts
15 and the general subject matter of the litigation. That's a
16 direct quote from LiButti. And the evidence here -- and again,
17 I won't belabor all of the flight logs and specific evidence,
18 but it's recited, you know, in a ten-page chart in our brief.
19 Kellen and Marcinkova are very tightly bound with the
20 defendants. They are direct reports. They are working closely
21 together. I just quoted Ms. Ransome saying, you know, that
22 that was the person that they were talking to, and so you have
23 a very significant degree of control.
24 The third factor from LiButti is compatibility of
25 interests. Perfect compatibility of interests here.

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1 Ms. Giuffre has said there was a conspiracy involving all of
2 these individuals. They're all going to say no, there wasn't.
3 We'll have a trial on that and hear the evidence. But the
4 compatibility of interests is, that team is against
5 Ms. Giuffre. Those co-conspirators are all working together to
6 try to undercut the credibility of Ms. Giuffre. And of course
7 they're all hoping that she will lose this trial, which they
8 will then celebrate as a victory. Of course if Ms. Giuffre
9 wins the trial, they will all suffer a defeat because her
10 credibility in making these allegations will have been
11 established.
12 The final factor LiButti directs you to consider is
13 the role in the underlying aspects of the litigation, and
14 again, it's hard to imagine. I won't say they are the most
15 important members of the conspiracy. Epstein is the most
16 important member of the conspiracy, but the next most
17 important, after Maxwell, who's the number two position, the
18 next most important conspirator is Kellen and Marcinkova. I've
19 used the expression before, it's kind of playing Hamlet without
20 the ghost. We're going to be talking about a conspiracy
21 without the conspirators in the case. We are trying to bring
22 the conspirators here in front of the jury so that they can
23 hear what the conspirators have to say when asked questions
24 about what they were doing to Ms. Giuffre and what they were
25 doing to similarly situated young girls.

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1 The final point that the LiButti case directs you to
2 consider is whether admitting the evidence will advance the
3 search for truth. And here we have a conspiracy, and I'm using
4 that term not as a lawyer but as a layperson for this purpose.
5 Webster's defines to conspire means to join together in a
6 secret agreement to do an unlawful or wrongful act or an act
7 which becomes unlawful as a result of a secret agreement. And
8 so we want to present the conspirator. Now we think that makes
9 the case that this is highly relevant and also appropriate for
10 an adverse inference. Again, your Honor could wait to rule on
11 this at trial, but we think it's clear-cut now.
12 Of course once you determine that something's
13 relevant, you then have to consider possible prejudicial
14 effect. Obviously this is a case in which sex allegations are
15 going to be at their heart. It's not like we have a business
16 dispute where somebody wants to throw in sex abuse. We want to
17 prove, in a case involving a sex conspiracy, what the
18 conspirators have to say. And there's no prejudice then to
19 Maxwell in the sense of unfair prejudice. He can ask whatever
20 questions they deem appropriate as well. But the absence of
21 the co-conspirators is of course highly prejudicial to
22 Ms. Giuffre. Naturally the jury is going to wonder, you said
23 Kellen was reporting to Maxwell. Where is Kellen? That's
24 going to be the first thing they'll say when they go back into
25 the jury room. Where are these people? And that's what

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1 they're going to say if we don't have an opportunity to present
2 them to the jury.
3 The Court will recall the extraordinary lengths to
4 which Ms. Giuffre had to go to procure their testimony. They
5 finally were able to secure it, and they should be presented.
6 Also -- I think you'll be hearing these issues next
7 week -- we used some leading questions during the deposition.
8 We tried to also use some nonleading. Leading questions can be
9 used when? When you have a witness who's associated with the
10 party on the other side. Well, we said they're in a
11 conspiracy. I can't imagine a case where there would be a
12 clearer example of when leading questions would be appropriate.
13 The final argument they made, I think last night in
14 their late replies was that we somehow missed the deadline in
15 taking their deposition. What they don't disclose I think in
16 their papers is, your Honor will recall that we had to come to
17 you, obtain an application for alternative service, and then,
18 as a result of that, they came in. We did all these things
19 with the Court's blessing and approval of taking depositions.
20 Those schedules were discussed with opposing counsel. And as
21 soon as we'd taken the deposition, within approximately a week,
22 we provided the designations. That was back in February of
23 this year. There's no prejudice.
24 So for all these reasons, we would ask that we be
25 allowed to present two of the co-conspirators in the witness

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1 box via the video depositions that we've taken.

2 MR. PAGLIUCA: I thought I was back to my old days as

3 a public defender when I started the practice of law, your

4 Honor. Now I'm arguing an 801(d)(2)(E) motion instead of a

5 defamation case.

6 I think we have to start with the notion that is true,

7 that this is a defamation case in which Ms. Maxwell is alleged

8 to have made a defamatory statement in 2015. In that

9 defamatory statement Ms. Maxwell does not mention any of these

10 individuals and doesn't mention Mr. Epstein, and so the

11 starting point for this is, this is an entirely different issue

12 than Mr. Cassell and his fantastical conspiracy argument here.

13 If we want to stick to the legal issues in this case,

14 I think we first need to understand that there is actually a

15 specific rule of evidence that relates to co-conspirator

16 hearsay exception, and that is Rule 801(d)(2)(E) of the Federal

17 Rules of Evidence, and significantly, under that rule -- and

18 this is why the cases using Rule 801(d)(2)(E) find indicia of

19 trustworthiness in co-conspirator hearsay statements -- they

20 are made at or during the course or in furtherance of a

21 conspiracy. And absent that finding, statements of

22 co-conspirators are deemed to be hearsay.

23 So what we're talking about here are not statements

24 purportedly made by any of these individuals in 2000 or 2001.

25 We're talking about statements that they are seeking to (A)

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1 introduce or (B) adversely inference that are made in 2015 that
2 had nothing to do with any alleged course of or in furtherance
3 of a conspiracy. Any alleged conspiracy would have terminated
4 years ago by operation of many different rules and law. So
5 Mr. Cassell's entire conspiracy theory predicate to this has
6 nothing to do with the four LiButti factors.
7 And when we talk about the LiButti factors, you know,
8 there is really zero evidence that's been presented to your
9 Honor. First of all, the relationship now, in 2017, between
10 these individuals -- because that is what the controlling
11 relationship is, not some relationship that happened or didn't
12 happen in 2000 or 2001. It is the relationship during the
13 course of this litigation, not some other litigation. And
14 indeed, there is no relationship between these folks. At best,
15 for a brief period of time, a brief period of time, these folks
16 worked in different capacities for Mr. Epstein, at best, and
17 that brief period of time is more than ten years ago.
18 The other part of this that Mr. Cassell overlooks or
19 doesn't want to talk about is what really is at issue -- and
20 this relates to this close present relationship -- does this
21 witness have some reason to protect Ms. Maxwell. I mean,
22 that's really the inquiry here. Is the witness invoking her,
23 in this case, privilege against self-incrimination because it's
24 going to have some benefit to Ms. Maxwell? Well, there is no
25 benefit to Ms. Maxwell for the invocation of the Fifth

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1 Amendment privilege here because indeed, if these witnesses
2 were to testify truthfully, the testimony would be beneficial
3 to Ms. Maxwell.
4 If you ever get the opportunity to watch the video of
5 these two witnesses, your Honor, it's remarkable because
6 there's a lot of eye rolling and facial expressions in response
7 to the leading questions by plaintiff's lawyers that, in my
8 analysis -- I may be testifying, your Honor, I must admit. But
9 in my observation, it was basically a nonverbal "that's not
10 true" and then the invocation of the Fifth Amendment privilege,
11 and if that gets played for the jury, the jury can see that or
12 you can see it. At one point Ms. McCawley chided one of these
13 witnesses and said something like, you know, if you keep doing
14 what you're doing, we're going to have to do something else,
15 because she didn't like the facial expressions or the words
16 that the witness was using to invoke the Fifth Amendment
17 privilege. That's how much these folks could help Ms. Maxwell
18 but can't, and they can't because they're protecting their own
19 interests. They're not protecting Ms. Maxwell's interests.
20 They're worried that if the plaintiff's lawyers succeed in
21 Florida, they have some threat of prosecution, so they're not
22 going to testify. But again -- and this is, again, a point
23 that seems to be overlooked by plaintiff's counsel -- these two
24 individuals are indeed named in this nonprosecution agreement
25 by name. Ms. Maxwell is not, and Ms. Maxwell didn't choose to

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1 invoke her Fifth Amendment privilege. She shouldn't be
2 penalized because the people who are concerned and are named in
3 this nonprosecution agreement can't testify because the
4 plaintiff's lawyers are trying to undo their agreement with the
5 government.
6 Ms. Maxwell has no ability to control these folks.
7 You know, we certainly weren't going to stand in the way of
8 plaintiff's trying to take their depositions, but we have no
9 control over them, in securing their testimony or requiring
10 them to cooperate in any sense.
11 I cite to the Court the case of Coquina Investments v.
12 Rothstein, which I didn't realize until I was reading this last
13 night is ironic because the defendant in the Rothstein case is
14 Mr. Edwards' former partner, who's doing 55 years in a federal
15 penitentiary right now. But in that case, which is very
16 similar here, the court wouldn't impose an adverse inference
17 against an employer for an employee, even though the employer
18 was paying for the representation of the employee. And that
19 case is I think significant because the court again focused on
20 the relationship at the time of the deposition and not some
21 prior relationship.
22 I talked about the co-conspirator issue. You know,
23 that's just attorney argument asserted as fact here, your
24 Honor. No one has ever found that these folks are
25 co-conspirators. It's Mr. Cassell's and Mr. Edwards' theory,

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1 but it certainly is not anything that there is going to be any
2 real evidence about in this case.
3 The next two LiButti factors, the next one relates to
4 any interest in the outcome of the litigation. Again,
5 Mr. Cassell has to manufacture some interest here. These folks
6 are not defendants in this case, these witnesses. They have no
7 financial interest. They have no ties. There is no joint
8 defense agreement. There is no indemnification agreement.
9 There is nothing. They have absolutely no dog in this fight,
10 again, which is no interest in the litigation.
11 There's just really nothing that would allow any
12 adverse inference in this case one way or the other.
13 Finally, your Honor -- well, two final points. The
14 questioning, you know, the kind of questions that were posed to
15 these witnesses were precisely the kind of questions that have
16 been disapproved in the Second Circuit. And that's Brink's
17 Inc. v. City of New York, which is in the papers; WorldCom
18 Security Litigation, also in the papers; and LiButti itself.
19 These are not technical objections. It serves no legitimate
20 evidentiary purpose for a lawyer to come in and simply ask a
21 very bunch of highly charged, leading questions to which they
22 know the witness is going to say, "I take the Fifth." There is
23 no evidentiary ball advanced with those questions, because it's
24 just lawyer argument that doesn't do anything for anybody. So
25 both sides could ask a hundred questions, they could both be

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1 leading, they could both be exact opposite questions. The
2 witnesses would say the Fifth to everything, and then you look
3 at the jury and you say, okay, now you can impose an adverse
4 inference against anybody you want to based on the questions
5 that the lawyers asked. I mean, that's really what this ends
6 up being, and it's a waste of time, and it is of no evidentiary
7 significance.
8 Then the last point, which I'm just going to need to
9 correct Mr. Cassell on, the plaintiffs were saying somehow that
10 we were untimely in not designating portions of these
11 depositions which we believe are wholly inadmissible, and the
12 point of our reply was, wait a minute, you didn't designate any
13 of this testimony until after the designation date was over.
14 (Continued on next page)
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1 MR. PAGLIUCA: (continued) I don't care about that,
2 but, you know, I mean, we're going to deal with these issues,
3 and we'll deal with them so the timing is of no consequence to
4 me, but I'm not complaining about it, I'm just responding to
5 it.
6 But for those reasons, your Honor, you shouldn't allow
7 anybody to present any adverse inference from these witnesses.
8 They should not just be part of this trial. Thank you.
9 MR. CASSELL: In reply, your Honor, I think you can
10 just see from the upset there what's going to be happening at
11 this trial. This is the direct quote from Mr. Pagliuca.
12 "Fantastical conspiracy". That's going to be the argument from
13 the other side. They're obviously entitled to advance that
14 argument. But that's what Ms. Giuffre is going to need to
15 respond to at the trial. And, of course, the jury will think
16 this is a fantastical conspiracy if Ms. Giuffre doesn't even
17 bring in some of the alleged conspirators such as Epstein,
18 Kellen, and Marcinkova.
19 Now, we'll hear that this is somehow a hearsay issue
20 under 801(d)(2). This is not a hearsay. There are going to be
21 witnesses in the case, questioned and cross examined. So this
22 isn't a question of inadmissible hearsay, this is a question of
23 presenting a witness to the jury.
24 THE COURT: How do you think this evidence is -- it's
25 going to go in by way of either deposition or the depositions

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1 already taken --

2 MR. CASSELL: Yes.

3 THE COURT: -- or by the witnesses being compelled to

4 come and invoke and so on? I think we know how that's going to

5 work out.

6 MR. CASSELL: Right. I think in this case it's going

7 to be through the deposition that's been recorded.

8 With Mr. Epstein, we're going to bring him here live

9 because we've been able to reach him by subpoena, but these two

10 have been difficult to reach by subpoena, that's why we've

11 taken their deposition.

12 And so Mr. Epstein will testify live, he would invoke,

13 Nadia Marcinkova and Sarah Kellen, the deposition has already

14 been taken. And in our --

15 THE COURT: What do you do about the statement that

16 counsel just made about the impropriety of the questions?

17 MR. CASSELL: Right. So you can't just say, hey, is

18 the moon made of green cheese and they take the Fifth. You

19 can't put that in, and Booty recognizes that. There has to be

20 independent evidence that supports each question that's asked.

21 And so what we've done in our brief, if you look at

22 page 17 of our initial paper -- if I can just illustrate one.

23 THE COURT: No, that's all right. That's fine. I get

24 the point.

25 MR. CASSELL: Right. But I think this is a fair point

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1 about the defense. I'm not sure that they get the point
2 because we've said here's a question --
3 THE COURT: Don't worry about educating them. It's me
4 you've got to educate.
5 MR. CASSELL: So I would just direct you to our --
6 we've tried to show, this is not a moon made of green cheese,
7 we have very specific support for each --
8 THE COURT: I hear you. I hear you.
9 MR. CASSELL: -- of the questions.
10 THE COURT: You've got it in the brief. I understand.
11 MR. CASSELL: Right.
12 So with regard to their interest in the case,
13 obviously, they have an interest in this woman who is accusing
14 them of being involved in a sex trafficking and sex abuse
15 conspiracy having her lose this case. They would be popping
16 champagne corks. They clearly have an interest in the case.
17 The other problem, remember, under Booty, the question
18 is well, are these witnesses that the plaintiff had some
19 control over? Is this somebody that the defendant has vested
20 control over these facts?
21 These were direct reports. I don't think I heard any
22 response to that from the other side. These were direct
23 reports to Maxwell, and so these are the people who, you know,
24 when Ms. Giuffre alleged that she's involved -- Ms. Maxwell is
25 involved in doing these things, these are the women who are

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1 executing the orders for Ms. Maxwell, and it's not part of a
2 fantastical conspiracy.
3 All we want to do is have the jury hear this
4 information. We've provided in our brief very specific support
5 for each of the questions that we want to ask. We think it's
6 entirely appropriate that the jury hear what these two have to
7 say.
8 THE COURT: Thank you.
9 Where are we now? Yes.
10 MS. MENNINGER: Your Honor, by my estimation, we have
11 one motion left, which is 665 with the opening brief.
12 THE COURT: And what's that?
13 MS. MENNINGER: It was our motion to prohibit
14 questioning of our client regarding her consensual adult sexual
15 activities.
16 THE COURT: Yes.
17 MS. MENNINGER: Do I take that as a go ahead and talk
18 or --
19 THE COURT: No.
20 MS. MENNINGER: Okay. I wasn't sure.
21 THE COURT: Yes, well, I can understand.
22 How can you possibly know what we're going to do when
23 I don't know what we're going to do?
24 MS. MENNINGER: Your Honor, I'm happy to defer this
25 issue. I believe it is somewhat --

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1 THE COURT: Yes.
2 MS. MENNINGER: -- enmeshed with some of the other
3 motions that, based on plaintiff's representation, they want to
4 put off until another day, so -- until the 15 days before, in
5 particular, so I'm happy to wait.
6 THE COURT: How does that figure -- I'm sorry.
7 Explain to me how that figures into the --
8 MS. MENNINGER: Into this motion?
9 THE COURT: Well, these are the things about which
10 they have to give notice.
11 MS. MENNINGER: Exactly, your Honor. The issue in
12 this motion, and I'll try to be slightly circumspect, but in
13 this motion, we have agreed that our client can be cross
14 examined with respect to plaintiff, any of plaintiff's
15 allegations, with respect to any other minor victim. Our
16 client has absolutely denied having been involved sexually with
17 plaintiff or with the minor victim.
18 They would like to introduce evidence of some kind
19 every other acts with other people. They have not yet
20 specified, apparently, completely, what other acts and what
21 other people they're talking about.
22 THE COURT: So I think we should --
23 MS. MENNINGER: Right.
24 THE COURT: So I think we should wait until we get it
25 all. Okay. So that takes care of that.

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1 MS. McCAWLEY: Your Honor, there's just one more thing
2 procedurally, if I could indulge the Court while I have your
3 attention before we all leave. That would be helpful.
4 THE COURT: Don't count on it.
5 MS. McCAWLEY: Sorry.
6 THE COURT: Yes.
7 MS. McCAWLEY: It's just, in your order about the ESI
8 and the issue with the non-production, you said that we should
9 suggest hearing dates. I see that your Honor has moved the
10 hearing dates to Wednesdays, so we were hoping to, since
11 there's only a few Wednesdays left before our trial, reserve
12 one of those to handle that hearing?
13 THE COURT: Well, I'm not sure.
14 MS. McCAWLEY: Or whatever day would work.
15 THE COURT: No. Okay. Now, it seems to me, correct
16 me if I'm wrong, on the 5th we're going to do Epstein's motion,
17 the deposition designations, the biforcation --
18 MR. CASSELL: I'm sorry, we just did that.
19 THE COURT: By the way, maybe we could do the
20 biforcation issue very quickly. What is it you want to --
21 MR. CASSELL: I think we just did that a few moments
22 ago, your Honor.
23 MS. McCAWLEY: That was the one about the financial
24 records.
25 THE COURT: By what?

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1 MS. McCAWLEY: We just did that about the financial
2 records, and you gave us some direction on that, so that one's
3 been --
4 THE COURT: Oh, okay. So that's done. Okay. So
5 that's the 5th.
6 MS. McCAWLEY: Yes. So then there's April 12th, which
7 I believe is the following Wednesday, and then I think the one
8 after that is the 19th.
9 THE COURT: Well, are we going to do a hearing -- I
10 take it we're going to do a hearing on the reconsideration of
11 the --
12 MS. McCAWLEY: That's what I'm talking about, your
13 Honor. I'm sorry. Yes. So that's the evidentiary issue of --
14 you said they could present a forensic, based on your order of
15 reconsideration of the November 2nd. So that's the date I'm
16 looking for. I'm sorry, I should have been clearer about that.
17 THE COURT: When are we going to do that?
18 MS. McCAWLEY: Maybe the 12th or the 19th possibly?
19 THE COURT: How about the 10th.
20 MS. McCAWLEY: Okay.
21 THE COURT: Does that work for you all?
22 MR. PAGLIUCA: I can't do the 10th, your Honor, I'm in
23 a deposition all day in Colorado. I'm sorry.
24 THE COURT: How could you possibly take another case?
25 MR. PAGLIUCA: Well, believe me, I have a lot of

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clients that are saying that exact same thing right now, your Honor.

MS. MENNINGER: Your Honor, could we do the 13th, the Thursday of that week?

THE COURT: Yes. I don't see any reason not to. Okay.

MS. McCAWLEY: That's all I had, your Honor. Thank you. And thank you for your patience, everyone, today.

THE COURT: Have we completed the briefing and everything everybody wants to submit on the black book issue?

MS. McCAWLEY: Well, yes, your Honor. So now, as of last night, it was fully briefed. So there are three briefs on it, essentially. We had a motion in limine to allow it in, they had a motion in limine to exclude it, and it came up previously -- I forget, we argued it a couple weeks ago in the context of another motion -- oh, I'm sorry, because, your Honor, you requested that with respect to Diane Flores. So we didn't reargue it today, it is fully briefed for you.

THE COURT: Okay. In other words, I've got everything on that.

MS. McCAWLEY: You do, your Honor, yes.

THE COURT: Okay. Anything else?

MS. McCAWLEY: Not that I'm aware of.

MR. PAGLIUCA: I think we're concluded today, your Honor. Thank you.

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THE COURT: Okay, thanks. Have a nice weekend.

(Adjourned)

HOUSE_OVERSIGHT_011461

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

----------X

VIRGINIA L. GIUFFRE,

Plaintiff,

v.

GHISLAINE MAXWELL,

Defendant.

15-cv-07433-RWS

----------X

Defendant's Response in Opposition to Plaintiff's Omnibus Motion *in Limine*

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REDACTED

Dated: March 17, 2017

Respectfully submitted,

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HOUSE_OVERSIGHT_011470

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HOUSE_OVERSIGHT_011471

Night Flight

They say that you can read a person's feelings on his face. But if so, either I'm a very good actor – the opposite of what anyone who has worked closely with me would tell you – or the journalists clustered in front of me weren't very good face-readers. They said that I looked defeated. Distressed. *Depressed.*

Yet as I delivered my brief final statement outside an olive-green cabin at Camp David, the American presidential retreat in the forested Catoctin hills north of Washington, I felt none of those things.

Yes, I was disappointed. I realised that what had happened over the last 14 days, or more crucially what had *not* happened, was bound to have serious consequences, both for me personally, as Prime Minister of Israel, and for my country.

But I had been a politician, at that point, for all of five years. By far most of my life, I had spent in uniform. As a teenager, small and slight and not even shaving yet, I was one of the founding core of a unit called *Sayeret Matkal*, Israel's equivalent of America's Delta Force, or Britain's SAS. It may be that the way I thought and acted, the way I dealt with danger or with crises, came from someplace inside me. Even as a young kid, I was always quiet, serious, contemplative. But my 13 years as a part of Israel's main special-forces unit, especially once I became its commander, etched those qualities more deeply. And they added new ones: a sense that you could never plan a mission too carefully or prepare too assiduously; an understanding that what you thought, and certainly what you said, mattered a lot less than what you *did*. And above all the realisation that, when one of our nighttime commando operations was over, whether it had succeeded or failed, you had to take a step back. Evaluate things accurately, coolly, without illusions. Then, in the light of how the situation had changed, you had to decide how best to move forward.

That approach, to the occasional frustration of the politicians and diplomats working alongside me during this critical stage of Israel's history, had guided me from the moment I became Prime Minister. In my very first discussions with President Clinton a year earlier – a long weekend, beginning at the White House and moving on to Camp David – I had mapped out at great length, in great detail, every one of the steps I knew we would have to take to confront the central issue facing Israel: the need for peace.

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In choosing to return, now, to Camp David for two weeks of summit talks, I knew the risks. Of all the moments of truth in my life – and in the life of my country – few, if any, would carry higher stakes. Success would mean not just one more stutter-step away from our century-long conflict with the Palestinians. It would signal a real, final peace: in treaty-speak, *end of conflict*. Whatever the complexities of putting an agreement into practice, given all the suffering and bloodshed endured by both sides, we would have crossed a point of no return.

There would be two states, for two peoples.

And if we failed? I knew, if only from months of increasingly stark intelligence reports, that an explosion of Palestinian violence – not just with stones or bottles this time, but with guns and explosives – would be only a matter of time.

I knew something else as well. This would be a moment of truth not just for me. Or for Bill Clinton, a man who understood our conflict more deeply, and was more determined to help us end it, than any other president before him. It was a moment of truth for the leader of the Palestinians, Yasir Arafat.

The Oslo Accords of 1993, groundbreaking though they were, had created a peace *process*, not peace. Over the past few years, that process had been lurching from crisis to crisis. Political support for negotiations was fraying. And yet the core issues of our conflict had not been resolved. In fact, they had hardly been talked about. The reason for this was no secret. For both sides, these questions lay at the heart of everything we'd been saying for years, to the world and to ourselves, about the roots of the conflict and the minimum terms we could accept in order to end it. At issue were rival claims on security, final borders, Israeli settlements, Palestinian refugees, and the future of ancient city of Jerusalem. None of these could be resolved without painful, and politically perilous, compromises.

Entering the summit, despite the pressures ahead, I was confident that I, with my team of aides and negotiators, would do our part to make such a final peace agreement possible. Nor did I doubt that President Clinton, whom I had come to view not just as a diplomatic partner but a friend, would rise to the occasion.

But as for Arafat? There was simply no way of knowing.

That was why I had pressed President Clinton so hard to convene the summit. That was why, despite the misgivings of some of his closest advisers, he had taken the plunge. We both knew that the so-called "final-status issues" –

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the substance of any real peace – could not simply be put off forever. Untangling them was getting harder, not easier. And we realised that only in an environment like Camp David – a "pressure cooker" was how I described it to Clinton, and to US Secretary of State Madeleine Albright – would we ever discover whether a peace deal could in fact be done.

Now, we knew.

* * *

Israel's equivalent of Air Force One, perhaps in a nod to our country's pioneering early years, was an almost prehistoric Boeing 707. It was waiting on the runway at Andrews Air Force Base outside Washington to ferry me and the rest of our negotiating team back home.

It contained a low-rent equivalent of the American version's presidential cabin, and a few 1960s-vintage first-class seats, but consisted mostly of two long lines of coach seats, three abreast, separated by an almost tightrope-narrow aisle. I dare say I was alone in finding an odd sense of comfort in boarding the plane. This museum piece of an aircraft was part of my past. It was the same model of 707 for which I, with a couple of other young soldiers and engineers, had come up with what we dubbed the "submarine door" system outside the cockpit – to protect El Al pilots from future attacks after one of its planes had been hijacked to Algiers in the summer of 1968. It was also the same kind of plane – a Sabena flight, hijacked to Tel Aviv's Ben-Gurion Airport – which I stormed, before sunrise, four years later with a force of nearly two dozen *Matkal* commandos. The shooting was over within 90 seconds. One of my men – a junior officer named Bibi Netanyahu – was wounded. By one of our own bullets. But we managed to kill two of the heavily armed hijackers, capture the others, and free all 90 passengers unharmed.

Still, even I had to accept, it was no fun to fly on.

As we banked eastward after takeoff and headed out over the Atlantic, the mood on board was sober. Huddling with the inner core of my negotiating team – my policy co-ordinator Gilad Sher, security aide Danny Yatom and Foreign Minister Shlomo Ben-Ami – I could see that the way the summit ended had hit them hard. It was probably true, as all three often reminded me, that the greatest pressure fell on me. I was the one who ultimately decided what we could, or

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should, offer in search of a true peace with the Palestinians. I was the one who would be blamed by the inevitable critics, whether for going too far or not far enough, or simply for the fact the deal had eluded us. I knew the drill: the same thing had happened when I had come tantalizingly close to finalizing a peace deal with Syria's then-dying dictator, Hafez al-Assad, a few months earlier. Yet these three dedicated men – Gili, who was by training a lawyer; Shlomo, an academic; and Danny, a former Mossad chief – had just been through dozens of hours of intricately detailed talks with each of Arafat's top negotiators at Camp David, not to mention the dozens of other meetings before we had even got there. Now they had to accept that, even with the lid of the pressure cooker bolted down tight, we had fallen short of getting the peace agreement which each of us knew had been within touching distance.

I don't think that even they could be described as depressed. On our side, after all, we knew we had given ground on every issue we possibly could, without facing full-scale political rebellion at home. We had proposed an Israeli pullout from nearly all of the West Bank and Gaza. A support mechanism for helping compensate tens of thousands of Palestinian refugees from the serial Arab-Israeli conflicts of the past half-century. And most painfully and controversially – my rivals and critics back home were already accusing me of "treachery" – we had agreed to let President Clinton present a proposal for the Palestinians to get sovereignty over the Arab neighbourhoods of Jerusalem as well as "custodial sovereignty" over the Haram al-Sharif, the mosque complex perched above the Western Wall, the holiest site in Judaism.

But precisely because we had been ready to offer so much, only for Arafat to reject it all, even as a *basis* for talks on a final deal, I could sense how gutted my key negotiators were feeling.

Still, I'm sure none of them was surprised when my own old operational instincts kicked in. In my statement to journalists, I had been careful to say that Arafat was not ready *at this time* to make the historic compromises needed for peace. But before parting with President Clinton and Secretary Albright, I'd been more forthright. It was clear, without my saying so, that the chances of our getting a peace agreement on Clinton's watch were now pretty much over. He had barely five months left in office. Yet my deeper fear was that with Arafat having brushed aside an offer that went far further than any other Israeli had proposed – far further than the Americans, themselves, had expected from Israel – the prospects for peace would be set back for years. Perhaps, I said, for two decades.

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The challenge now, I told my exhausted team, was to make sure we were prepared for this new reality. Part of the spadework was already in place. Much as I'd hoped that Arafat and I could turn a new page in Middle East history, I had directed our army chief-of-staff, nine months before the summit, to draw up contingency plans for the likelihood of an unprecedentedly deadly eruption of Palestinian violence if we were to fail.

Now, I felt we had to go even further, and to prepare a proactive alternative to the negotiated deal we'd been unable to secure. I proposed considering a *unilateral* Israeli pullout from the West Bank and Gaza. The territorial terms would, necessarily, be less far-reaching than the proposal Arafat had rejected. But I felt we should still withdraw from the great majority of the land we had captured in 1967, still leaving the Palestinians an area which the outside world would recognize as wholly sufficient for them to establish a viable, successful state.

And crucially, this would finally give Israel, *our* country, a delineated, final border with the territory captured in the Six-Day War.

Gili, clearly uneasy about accepting the idea that the chances for a negotiated peace were definitively gone, left to try to get some sleep on the long flight ahead. Danny and Shlomo Ben-Ami as well. Within an hour or so, the plane was full of irregularly slumped bodies, the silence broken only by the drone of the 707's engines and the occasional sound of snoring.

I sat, wide awake, in one of the seats at the front.

My sleeping habits were another inheritance from *Sayeret Matkal*. During those years, nearly everything of significance which I did had happened after sundown. The commando operations were, of course, set for darkness whenever possible. The element of surprise could mean the difference between success and failure, indeed life and death. But all of my planning, all my *thinking*, tended to happen at night as well. The quiet, and the lack of distractions, helped to discipline my mind. I found that it helped to free my mind as well, sometimes only to discover that it went off in unexpected directions.

It did so now. Perhaps even I was still reluctant to accept that Camp David meant that the opportunity for a transformative deal with Arafat was finished. Yet whatever the reason, I began thinking back to the first time that my path and his had crossed. It was in the spring of 1968, nearly a year after Israel had defeated the armies of our three main Arab enemies – Egypt, Syria and Jordan. Israeli forces were advancing on a Jordanian town called Karameh, across the

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Jordan River from the West Bank, from which a fledgling group called Fatah, under the command of Arafat, had been staging a series of raids. In one of their most recent attacks, they'd planted land mines, one of which destroyed an Israeli schoolbus, killing the driver and one of the teachers and injuring nearly a dozen children. The so-called Battle of Karameh was our single most significant operation since the 1967 war. In pure military terms, it succeeded. But at a price: more than two dozen Israeli soldiers dead. It also had a major political impact. It caused shock among many Israelis, still wrapped in a sense of invincibility from the Six-Day War, as well as a feeling in the Arab world, actively encouraged by Arafat and his comrades, that compared to the great armies Israel had defeated in 1967, Fatah had at least shown fight. Fatah had drawn blood.

I had just turned 26 years old. I was finishing my studies in math, physics and economics at the Hebrew University in Jerusalem, and had joined my *Sayeret Matkal* comrades the night before the assault. It was a huge operation: ten battalions, including crack infantry units. Our own role was relatively minor. We were to seal the southern entrance to the town. But it proved a tough slog just to get there. Our vehicles got bogged down in mud. By the time we arrived, Fatah fighters, although many were in civilian clothes so we couldn't be sure, were racing past us in the other direction. One of them, we were later told, was Yasir Arafat. On a motorcycle.

It would be nearly three decades before the two of us actually met – shortly after the assassination of my longtime comrade and friend Yitzhak Rabin, when I had become Foreign Minister under Shimon Peres. But in the intervening years, Arafat was rarely off of my radar. By the early 1970s, he and his fighters had been expelled by King Hussein's army from Jordan and were re-based in Lebanon. Arafat was becoming a significant figure on the Arab and world political stage, and an increasingly uncomfortable thorn in Israel's side. I was head of *Sayeret Matkal* by then. Over a period of months, I drew up a carefully constructed plan – a raid by helicopter into a Fatah-dominated area in southeastern Lebanon, during one of Arafat's intermittent, morale-boosting visits from Beirut – to assassinate him. My immediate superior, the army's head of operations, was all for our doing it. But the chief of military intelligence said no. Arafat, he insisted when we met to discuss the plan, was no longer the lean, mean fighter we had encountered in Karameh. "He's fat. He's a politician. He is not a target."

HOUSE_OVERSIGHT_011477

A decade later, the idea would suddenly resurface. In my first meeting, as a newly promoted Major General, with our then Defence Minister Ariel Sharon, Sharon turned to me and the army's Chief of Staff, Rafael Eitan, and said: "Tell me. Why the hell is Arafat still alive?" He looked first at Raful, then at me, and added: "When I was 20 years younger than you are, I *never* waited for someone like Ben-Gurion or Dayan to ask me to plan an operation. I would plan it! Then I'd take it to them and say, you're the politicians, you decide, but if you say yes, we'll do it." I smiled, telling him that I'd done exactly that, a decade earlier, only to have one of his mates in the top brass say no. Sharon now said yes. But the plan was overtaken: by his ill-fated plan to launch a full-scale invasion of Lebanon in 1982, targeting not just Arafat, but with the aim of crushing the PLO militarily once and for all.

I finally met Arafat face-to-face at the end of 1995. Although the Oslo peace process had dramatically changed things, it was clear that the real prize – real peace – was still far away. We were in Barcelona, for a Euro-Mediterranean meeting under the auspices of King Juan Carlos, aimed at trying to re-invigorate negotiations. The ceremonial centrepiece of the event was a dinner at one of the royal palaces, and it was arranged for me and Arafat to meet for a few minutes beforehand. I arrived first. I found myself in a breathtakingly opulent, but otherwise empty, room. Empty, that is, except for a dark-brown Steinway piano. From childhood, I have loved music. And while I am never likely to threaten the career of anyone in the New York Philharmonic, I have, over the years, developed some ability, and drawn huge enjoyment, as a classical pianist. I pulled back the red-velvet bench and began to play. With my back to the doorway, I was unaware that Arafat had arrived, and that he was soon standing only a few feet away, watching as I played one of my favourite pieces, a Chopin waltz. My old commando antennae must have been blunted. I may not have become "fat". But, undeniably, I was now a politician.

When I finally realised Arafat was behind me, I turned, embarrassed, stood up, and grasped his hand. "It's a real pleasure to meet you," I said. "I must say I have spent many years watching you – by other means." He smiled. We stood talking for about 10 minutes. My hope was to establish simple, human contact; to signal respect; to begin to create the conditions not to try to kill Arafat, but to make peace with him. "We carry a great responsibility," I said. "Both of our peoples have paid a heavy price, and the time has come to find a way to solve this."

HOUSE_OVERSIGHT_011478

I sensed, at the time, at least the start of some connection. I suspected that Arafat viewed me, as he had Rabin before me, as a "fellow fighter". But if so, I now wondered whether that might have been part of the problem in his ever truly understanding my mission at Camp David. My motivations. Or my mind.

Even in Israel, my reputation as a soldier has sometimes been as much a burden as an advantage. A whole body of stories has followed me from my 36 years in uniform – a career which, after *Sayeret Matkal*, led me up the military ladder until I was head of operations, intelligence, and eventually of the entire army as Chief of Staff. By the time I left the military, I was the single most decorated soldier in our country's history. Some of the stories were actually true: that when we burst onto the hijacked Sabena airliner, for instance, we were dressed as a maintenance crew; or that, in leading an assassination raid in Beirut against the PLO group that had murdered Israeli athletes at the 1972 Munich Olympics, I was disguised as a woman. Not the most attractive young lady, perhaps, though I did, painfully, pluck my eyelashes, and, with the help of four pairs of standard-issue Israeli Army socks, develop quite a comely bosom. I rejected the idea of wearing a long dress, in favour of stylishly flared trousers. I was going on a commando operation, after all, not a prom date. But I did wear heels. So yes, a woman, of sorts.

Yet some of the stories were just plain myth. I had given up counting the times I'd heard about my alleged prowess in recording the fastest-ever time on the most gruelling of the Israeli army's obstacle courses. In fact, I was a lot more like Goldie Hawn in *Private Benjamin*.

The main misunderstanding, however, went deeper. The assumption appeared to be that my military achievements, especially in *Sayeret Matkal*, were down to a mix of brute force and raw courage. Courage, of course, was a requirement: the willingness to take risks, if the rewards for success, or the costs of inaction, were great enough. Few of the operations I fought in or commanded were without the real danger of not coming back alive. But whatever success I'd had as a soldier, particularly in *Matkal*, was not only, nor even mainly, about biceps. It was about brains. The ability to make decisions. To withstand the pressure of often having to make the most crucial decisions within a matter of seconds. It was, above all, about thinking and analyzing – and always, always, looking and planning ahead.

And as our plane droned onward towards Israel, I knew that I would now need all of those qualities more than ever.

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This book is only in part the story of my life – a life that, from my beginnings as a kibbutz boy in pre-state Palestine, has been intimately entwined with the infancy and adolescence and, now, the increasingly troubled middle age of the State of Israel.

Still less is it only a record of its, or my, achievements, although they are inevitably a part of the story.

In setting out to write it, I was also determined to document, from the inside, the critical setbacks as well. Mistakes. Misjudgements. Missed opportunities. And the lessons that we can, and must, be prepared to learn from them.

No less so than I when I was planning a hijack rescue or a cross-border commando operation in *Sayeret Matkal*, I remain convinced that Israel's security, Israel's very identity, can be safeguarded only by evaluating dispassionately the situation in our country and the world. And by looking ahead.

Even when I was a soldier, I never stopped thinking this way, especially when, first as military intelligence chief and especially as Chief of Staff, I knew, in detail, every one of the security threats that faced Israel and was part of discussions and decisions to try to confront them. I still vividly remember as Chief of Staff, every Friday before the arrival of the Jewish Sabbath, sitting with Rabin, who was then Israel's Defence Minister. Our offices were along the same hallway of the *kirya*, the ministry's headquarters in the heart of Tel Aviv. Rabin had a very low table in his office, with two chairs. We would sit across from each other, each with a ready supply of coffee and Yitzhak smoking an apparently endless supply of cigarettes, and we would just talk. Politics. Strategy. Israel. The PLO. The surrounding Arab states. And the wider world.

Many years before I became Prime Minister, I gave a lecture at a memorial meeting for an Israeli academic. Not many people were there. I doubt even they remember it. But I do, because what I said has, sadly, become more prophetic than even I could have imagined. I talked about the imperative for peace as part of Israel's security. There was a "window," I said. We were militarily strong. In regional terms, we were a superpower. But politically, resolving the conflict with our Arab enemies would almost certainly become more difficult with time.

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Iraq, perhaps Iran and other Middle Eastern states, might get nuclear weapons. A violent form of fundamentalist Islam could, over time, erode existing Arab and Muslim states, threatening Israel of course, but also the stability of our neighbourhood and of the world. In those circumstances, even if an Israeli government was strong enough, wise enough, forward-looking enough to pursue avenues for negotiated peace with its immediate neighbours, getting the popular support required would be all but impossible.

The window is still there. But it is only barely open.

I fear that I was right, as well, in predicting that our failure to secure a final peace agreement with the Palestinians at Camp David might set back peacemaking not just for a few months, but for many years. I have persisted in trying, very hard, to make that particular prediction prove wrong. That was why, despite intense pressure from my own political allies not to do so, I decided to return to government in 2007 as Defence Minister. I remained in that role for six years: mostly in the current, right-wing Likud government of my onetime *Sayeret Matkal* charge, Bibi Netanyahu.

Much of what I say in this book about war and peace, security and Israel's future challenges, will make uncomfortable reading for Bibi. But very little of it will surprise him, or his own Likud rivals further to the right, like Foreign Minister Avigdor Lieberman and the Economy Minister, Naftali Bennett. I have said almost all of it to them behind closed doors in the past few years, more than once. When I finally decided to leave the political arena last year, it was largely because I realized that they were guided by other imperatives. In the case of Bibi, the most gifted politician with whom I've worked except for Clinton, the priority was to stay in power. For Avigdor and Naftali, it was to supplant Bibi, when the opportunity was ripe, as Likud leader and as Prime Minister. And much too often – as with their hugely ill-advised recent proposal to amend Israel's basic law to define it explicitly as a Jewish state, and deny "national rights" to non-Jews – the three of them have ended up competing for party political points rather than weighing the serious future implications for the country.

Peacemaking, as I discovered first-hand, requires taking risks. Statesmanship requires risks. Politics, especially if defined simply as staying in power, is almost always about the avoidance of risk.

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The problem for Israel, no matter who or what party is in government, is that there are risks everywhere one looks, and they show every sign of getting more, not less, serious.

The "Arab Spring" has morphed into an Islamic winter. National frontiers that were put in place by British and French diplomats after the fall of the Ottoman Empire are vanishing. Centuries-old conflicts between tribes and rival religious communities have reignited. The old Cold War system of nations has given way to a world without a single geopolitical centre of gravity. Perhaps most seriously, Iran seems determined to get nuclear weapons, and, in my view, may succeed in doing so.

Where Israel is concerned, relations with our indisputably most important ally, the United States, are more strained than at any time in decades. Diplomatic ties with Europe, our single largest trading partner, have been growing steadily worse. And the only real certainty is that anyone who tells you that they know absolutely where things are heading next is lying. Just ask Hosni Mubarak, who, despite having nearly half-a-million soldiers and security operatives at his disposal, was utterly blindsided, and very soon toppled and imprisoned, by an uprising that began with a sudden show of popular anger in Cairo's Tahrir Square.

Internally as well, Israel faces dangers. Chief among them is the alarming erosion of the standards of civil discourse, amid the increasingly shrill, often hateful, divisions between left and right, secular and religious, rich and poor and, most seriously of all, Jews and Arabs. While we remain economically successful, the fruits of our wealth are being ever more unevenly shared, and the prospects for continued growth constrained by the lack of any visible prospect of long-term peace.

Bibi Netanyahu, of course, knows all of this. Indeed, he has repeatedly spoken of the multiple threats Israel faces, not only in somber terms, but at times almost apocalyptically.

That works, politically. Politicians, not just in Israel but everywhere, know that it is a lot easier to win elections on fear than on hope.

Yet my own prescription – learned, as this book recounts, from years on the battlefield, then reinforced by my years in government – is that Israel must resist being guided by either of those alternatives. Not fear, certainly. But neither by simple, untempered hope. Though the stakes have become much higher since my night flight back from Camp David nearly 15 years ago, our

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need remains what I tried to impress on my negotiators then: realism. A meticulously informed, utterly unvarnished, understanding of the threats we face, of each altered situation after every success or a failure, and an ability to set aside the background noise and political pressures and chart a way forward.

So what is that way? It begins with the mindset. On more than one occasion in the past few years, after Prime Minister Netanyahu had warned our country of a nuclear Iran or the spread of Al Qaeda-style hatred and violence, as if prophesying the coming of Armageddon, I would say to him: "Stop talking like that. You're not delivering a sermon in a synagogue. You're Prime Minister." Having been privileged to live my own life along with the entire modern history of our country, I went further. Zionism, the founding architecture of Israel, was rooted in finding a way to supplant not just the life, but the way of thinking, which hard-pressed Jewish communities had internalised over centuries in the diaspora: in Hebrew, the *galut*. We would instead take control of our own destiny, building and developing and securing our own country.

Now, I told Bibi, he was back in the mindset of the *galut*. Yes, al-Qaeda, and more recently Islamic State, were real dangers. The prospect of a nuclear Iran was even more so. "But the implication of the way you speak, not just to Barack Obama or David Cameron, but to *Israelis*, is that these are existential threats. What do you imagine? That if, God forbid, we wake up and Iran is a nuclear power, we'll pack up and go back to the *shtetls* of Europe?"

Of course not. Israel, as my public life has taught me more than most, remains strong militarily. We are, still, fully capable of turning back any of the undeniable threats on our doorstep. Keeping that strength, developing it and modernizng it, are obviously critically important. But as Israel's founding Prime Minister, David Ben-Gurion, used to say, the success of Zionism, and of the Israeli state, required two things: strength and "righteousness." He didn't mean the word in purely religious terms. He meant that Israel, if it were to retain international backing and internal cohesion, must be guided by a core of moral assumptions as well.

That, in itself, would be reason enough to pursue every possible opportunity for "end of conflict" with our neighbours. And, at home, to protect and re-inforce our commitment to Israel as both a Jewish and a democratic state. But Israel's simple self-interest – its hope for prosperity, social cohesion, and growth in future – makes this nothing short of imperative.

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Bibi is right about one thing. The negotiating challenges have become more difficult since Arafat's refusal of our offer at Camp David. Arafat is no longer alive. Palestinian politics have become ever more fragmented and messy, not least as a result of the Hamas takeover of Gaza.

But Churchill once said that the difference between a pessimist and an optimist was that the pessimist always saw difficulties in every opportunity. The optimist saw opportunities in the difficulties.

I, of all people, do not look at such opportunities without hard-headed analysis, even a dose of scepticism. But the opportunities are undeniably there, and never has Israel risked paying a higher price for failing to see and at least to try to act on them.

The first port of call should still be the Palestinians. I have repeatedly asked Bibi, and the right-wing rivals that seem often to loom large in his political calculations: "If you're so sure you don't have a negotiating partner in the Palestinians, who not at least try? Seriously. What do you have to lose?"

But beyond this, there is a whole range of relatively moderate countries – and, as Sunni states, strongly anti-Iranian countries – which share with Israel a real, practical interest in putting in place a new political arrangement in the Middle East. So does the United States, Russia, even China. Each, in their own ways, is threatened by a terror threat that will require international action, and many years, finally to defeat.

A Saudi "peace plan", for instance, has been on the table for years. Formally endorsed by the Arab League, it proposes a swap: Israeli withdrawal for full and final peace and Arab recognition. Successive Israeli governments have dismissed it out of hand, arguing that the withdrawal which the Saudi proposal demanded – every inch of territory, back to the borders before the Six-Day War – would be not only politically unacceptable, but practically impossible.

In the final days of the Camp David summit, as our failure was becoming inescapably clear, a disheartened Bill Clinton said to me that he could understand, just about, why Yasir Arafat had not accepted the unprecedentedly far-reaching proposals I had presented. But what he couldn't grasp was how the Palestinian leader could say no even to accepting them as a *basis* for the hard, further work which we all knew a final peace agreement would entail. Wasn't Arafat capable of looking beyond the political risks, of understanding the greater risks of inaction. Of seeing the rewards? Of *looking ahead*?

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My fear – not just on issues like the Saudi peace plan, but in charting our place in a dramatically changed world, and safeguarding our twin Jewish and democratic identities at home, pairing our physical strength with an equally strong moral centre – is that we Israelis are now in danger of jettisoning the example of David Ben-Gurion. For Yasir Arafat's.

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Chapter One

I am an Israeli, but also a Palestinian. I was born in February 1942 in British-ruled Palestine on a fledgling kibbutz: a cluster of wood-and-tarpaper huts amid a few orange groves and vegetable fields and chicken coops. It was just across the road from an Arab village named Wadi Khawaret, which disappeared, with the establishment of the State of Israel, when I was six years old.

As Prime Minister half-a-century later, during my stubborn yet ultimately fruitless drive to secure a final peace treaty with Yasir Arafat, there were media suggestions that my childhood years gave me a personal understanding of the pasts of *both* our peoples, Jews and Arabs, in the land which each of us saw as our own. But that is in some ways misleading. Yes, I did know first-hand that we were not alone in our ancestral homeland. At no point in my childhood was I ever taught to hate the Arabs. I never did, even when, in my years defending the security of Israel, I had to fight, and defeat, them. But my conviction that they, too, needed the opportunity to establish a state came only later, after my many years in uniform, and especially when, as deputy chief-of-staff under Yitzhak Rabin, we were faced with the explosion of violence in the West Bank and Gaza that became known as the first *intifada*. And while my determination as Prime Minister to find a negotiated resolution to our conflict was in part based on a recognition of the Palestinian Arabs' national aspirations, the main impulse was my belief that such a compromise was profoundly in the interest of Israel: the Jewish state whose birth I witnessed, whose existence I had spent decades defending on the battlefield and which I was ultimately elected to lead.

Zionism, the political platform for the establishment of a Jewish state, emerged in the late 1800s in response to a brutal reality. And that, too, was a part of my own family's story. Most of the world's Jews, who lived in the Russian empire and Poland, were trapped at the time in a vise of poverty, powerlessness and anti-Semitic violence. Even in the democracies of Western Europe, Jews were not necessarily secure. Theodor Herzl, a thoroughly assimilated Jew in Vienna, published the foundation text of Zionism in 1896. It was called *Der Judenstaat*. "Jews have sincerely tried everywhere to merge with the national communities in which we live, seeking only to preserve the faith of our fathers," he wrote. "In vain are we loyal patriots, sometimes super-loyal. In vain do we make the same sacrifices of life and property as our fellow citizens… In our native lands where we have lived for centuries, we are still decried as aliens." Zionism's answer was the establishment of a state of our

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own, in which we could achieve the self-determination and security denied to us elsewhere.

During the 1890s and the early years of the new century, more than a million Jews fled Eastern Europe, but mostly for America. It was only in the 1920s and 1930s that significant numbers arrived in Palestine. Then, within a few years, Hitler rose to power in Germany. The Jews of Europe faced not just discrimination or pogroms. They were systematically, industrially, murdered. From 1939 until early 1942 when I was born, nearly two million Jews were killed. Six million would die by the end of the war. Almost the whole world, including the United States, rejected pleas to provide a haven for those who might have been saved. Even after Hitler was defeated, the British shut the doors of Palestine to those who had somehow survived.

* * *

I was three when the Holocaust ended, and it was three years later that Israel was established in May 1948, and neighboring Arab states sent in their armies to try to snuff the state out in its infancy. It would, again, be some years before I fully realized that this first Arab-Israeli war was the start of an essential tension in my country's life, and my own: between the Jewish ethical ideals at the core of Zionism and the reality of our having to fight, and sometimes even kill, in order to secure, establish and safeguard our state. Yet even as a small child, I was keenly aware of the historic events swirling around me.

Mishmar Hasharon, the hamlet north of Tel Aviv where I spent the first 17 years of my life, was one of the early *kibbutzim*. These collective farming settlements had their roots in Herzl's view that an avant-garde of "pioneers" would need to settle a homeland that was still economically undeveloped, and where even farming was difficult. Members of Jewish youth groups from Eastern Europe, among them my mother, provided most of the pioneers, drawing inspiration not just from Zionism but by the still untainted collectivist ideals represented by the triumph of Communism over the czars in Russia.

It is hard for people who didn't live through that time to understand the mindset of the kibbutzniks. They had higher aspirations than simply planting the seeds of a future state. They wanted to be part of transforming what it meant to be a Jew. The act of first taming, and then farming, the soil of Palestine was not

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just an economic imperative. It was seen as deeply symbolic, signifying Jews finally taking control of their own destiny. It was a message that took on an even greater power and poignancy after the mass murder of the Jews of Europe during the Holocaust.

Even for many Israelis nowadays, the all-consuming collectivism of life on an early kibbutz, and the physical challenges, are hard to imagine. Among the few dozen families in Mishmar Hasharon when I was born, there was no private property. Everything was communally owned and allocated. Every penny – or Israeli pound – earned from what we produced went into a communal kitty, from which each one of the 150-or-so families in Mishmar Hasharon when I was a child got a small weekly allowance. By "small", I mean tiny. For my parents and others, even the idea of an ice cream cone for their children was a matter of keen financial planning. More often, they would save each weekly pittance with the aim of pooling them at birthday time, where they might stretch to the price of a picture book, or a small toy.

Decisions on any issue of importance were taken at the *aseifa*, the weekly meeting of kibbutz members held on Saturday nights in our dining hall. The agenda would be tacked up on the wall the day before, and the session would usually focus on one issue, ranging from major items like the kibbutz's finances to the question, for instance, of whether our small platoon of delivery drivers should be given pocket money to buy a sandwich or a coffee on their days outside the kibbutz or be limited to wrapping up bits of the modest fare on offer at breakfast time. That debate ended in a classic compromise: a bit of money, but very little, so as to avoid violating the egalitarian ethos of the kibbutz.

But perhaps the aspect of life on the kibbutz most difficult for outsiders to understand, especially nowadays, is that we children were *raised* collectively. We lived in dormitories, organized by age-group and overseen by a caregiver: in Hebrew, a *metapelet,* usually a woman in her 20s or 30s. For a few hours each afternoon and on the Jewish Sabbath, we were with our parents. But otherwise, we lived and learned in a world consisting almost entirely of other children.

Everything around us was geared towards making us feel like a band of brothers and sisters, and as part of the guiding spirit of the kibbutz. Until our teenage years, we weren't even graded in school. And though we didn't actually study how to till the land, some of my fondest early memories are of our "children's farm" – the vegetables we grew, the cows we milked, the hens and chickens that gave us our first experience of how life was created. And the

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aroma always wafting from the stone ovens in the bakery at the heart of the kibbutz, where we could see the bare-chested young men producing loaf after loaf of bread, not just for Mishmar Hasharon but villages and towns for miles around us.

Until our teenage years, we lived in narrow, oblong homes, four of us to a room, unfurnished except for our beds, under which we placed our pair of shoes or sandals. At one end of the corridor was a set of shelves where we collected a clean set of underwear, pants and socks each week. At the other end were the toilets – at that point, the only indoor toilets on the kibbutz, with real toilet-seats, rather than just holes in the ground. All of us showered together until the age of twelve. I can't think of a single one of us who went on to marry someone from our own age-group in the kibbutz. It would have seemed almost incestuous.

Mishmar Hasharon and other kibbutzim have long since abandoned the practice of collective child-rearing. Some in my generation look back on the way we were raised not only with regret, but pain: a sense of parental absence, abandonment or neglect. My own memories, and those of most of the children I grew up with, are more positive. The irony is that we probably spent more waking time with our parents than town or city children whose mothers and fathers worked nine-to-five jobs. The difference came at bedtime, or during the night. If you woke up unsettled, or ill, the only immediate prospect of comfort was from the *metapeled*, or another of the kibbutz grown-ups who might be on overnight duty. Still, my childhood memories are overwhelmingly of feeling happy, safe, protected. I do remember waking up once, late on a stormy winter night when I was nine, in the grips of a terrible fever. I'd begun to hallucinate. I got to my feet and, without the thought of looking anywhere else for help, made my wobbly way through the rain to my parents' room and fell into their bed. They hugged me. They dabbed my forehead with water. The next morning, my father wrapped me in a blanket and took me back to the children's home.

To the extent that I was aware my childhood was different, I was given to understand it was special, that we were the beating heart of a Jewish state about to be born. I once asked my mother why other children got to live in their own apartments in places like Tel Aviv. "They are *ironim*," she said. City-dwellers. Her tone made it clear they were to be viewed as a slightly lesser species.

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Though both my parents were part of the pioneer generation, my mother, unlike my father, actually arrived as a pioneer, part of a Jewish youth group from Poland that came directly to the kibbutz. In addition to being more naturally outgoing than my father, she came to see Mishmar Hasharon has her extended family and spent every one of her one hundred years there.

Esther Godin, as the then was, grew up in Warsaw. Born in 1913, she was the oldest of the six children of Samuel and Rachel Godin. Poland at the time was home to the largest Jewish community in the world, more than 3 million by the time of the Holocaust. While the Jews of Poland had a long history, the Godins did not. Before the First World War, my mother's parents made their way from Smolensk in Russia to Warsaw, which was also under czarist rule. When the war was over, the Bolshevik Revolution had toppled the czars. Poland became independent, under the nationalist general Josef Pilsuldski. The Godins had a decision to make: either return to now-Communist Russia or stay in the new Polish state, though without citizenship because they had not been born there. No doubt finding comfort, community and a sense of safety amid the hundreds of thousands of Jews in the Polish capital, they chose Pilsuldski over Lenin. They lived in what would become the Warsaw Ghetto, on Nalewski Street, where Samuel Godin eked out a living as a bookbinder.

My mother came to Zionism as a teenager, and it was easy to understand why she, like so many of the other young Jews around her, was drawn to it. She saw how hard her parents were struggling economically, on the refugee fringes of a Jewish community itself precariously placed in a newly assertive Poland. She saw no future for herself there. Though she attended a normal state-run high school, she and her closest friends joined a Zionist youth group called Gordonia, which had been founded in Poland barely a decade earlier. She started studying Hebrew. Each summer, from the age of 13, she and her Gordonia friends would spend deep in the Carpathian Mountains. They worked for local Polish landowners, learning the rudiments of how to farm and the rigors of simple physical labor. Late into the evening, they would learn not just about agriculture but Jewish history, the land of Palestine, and how they hoped to put both their new-found skills and the Zionist ideals into practice.

She had just turned 22 when she set off for Mishmar Hasharon with 60 other Gordonia pioneers in the summer of 1935. It took them nearly a week to get there. They travelled by train south through Poland, passing not far from the little town of Oświęcim which would later become infamous as the site of the Auschwitz concentration camp. Then, on through Hungary and across Romania

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to the grand old Black Sea port of Constanța, and by ship through the Bosphorus, past Istanbul, and on to Haifa on the Palestinian coast, from where they were taken by truck to their bunk-bed rooms in one of a dozen prefab structures on the recently established kibbutz. Though the water came from a well, and it lacked even the basic creature comforts of the cramped Godin apartment in Warsaw, that, to my mother, was just part of the challenge, and the dream, she'd embraced and had come to define her. I know that she felt, on arriving in the kibbutz, that only now was her life truly beginning.

It was a feeling that never left her. Yet it was always clouded by the memory of the family she left behind. When the Second World War began in September 1939, the Germans, and then the Soviets, invaded, overran and divided Poland. Two of my mother's three sisters fled to Moscow. Her teenage brother Avraham went underground, joining the anti-Nazi partisans. All three would survive the war. Yet in the autumn of 1940, the rest of her family found themselves inside the Warsaw Ghetto with the city's other 400,000 Jews. My mother's parents died there, along with her 13-year-old brother Itzik and her little sister Henya, who was only 11.

When my mother arrived in the kibbutz, her Gordonia friends assumed she would marry a young man named Ya'akov Margalit, the leader of their group back in Warsaw. But the budding romance fell victim to the Zionist cause. As she was embarking on her new life, he was frequently back in Poland training and arranging papers for further groups of pioneers. He continued to write her long, heartfelt letters. But the letters had to be brought from the central post office in Tel Aviv, and the kibbutznik who fetched the mail was a quiet, dimunitive 25-year-old named Yisrael Mendel Brog – my father. Known as Srulik, his Yiddish nickname, he had come to Palestine five years earlier. He was an ordinary kibbutz worker. He drove a tractor.

My father's initial impulse in coming to Palestine was more personal than political. He was born, in 1910, in the Jewish *shtetl* of Pushelat in Lithuania, near the larger Jewish town of Ponovezh, a major seat of rabbinic learning and teaching. His own father, though the only member of the Pushelat community with rabbinical training, made his living as the village pharmacist. Many of the roughly 10,000 Jews who lived there had left for America in the great exodus from Russian and Polish lands at the end of the 19th century. By the time my father was born, the community had shrunk to only about 1,000. When he was two years old, a fire broke out, destroying dozens of homes, as well as the shtetl's only synagogue. Donations soon arrived from the US, and my paternal

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grandfather was put in charge of holding the money until rebuilding plans were worked out. The problem was that word spread quickly about the rebuilding fund. On the night of September 16, 1912, two burglars burst into my grandfather's home and stole the money. They beat him and my grandmother to death with an axle wrenched loose from a nearby carriage. Their four-year-old son Meir – my father's older brother – suffered a deep wound from where the attackers drove the metal shaft into his head. He carried a golf-ball-sized indentation in his forehead for the rest of his life. My father had burrowed into a corner, and the attackers didn't see him.

The two orphaned boys were raised by their paternal grandmother, Itzila. Yet any return to normalcy they may have experienced was cut short by the outbreak of the First World War, forcing her to flee with them by train ahead of the advancing German army. They ended up some 1,500 miles south, in the Crimean city of Simferopol. Initially under czarist rule, then the Bolsheviks and from late 1917 until the end of the war under the Germans, they had to deal with cold, damp and a chronic shortage of food. My Uncle Meir quickly learned how to survive. He later told me that he would run after German supply carriages and collect the odd potato that fell off the back. Realizing that the German soldiers had been wrenched from their own families by the war, he began taking my father with him on weekends to the neighborhood near their barracks, where the soldiers would sometimes give them cookies, or even a loaf of bread. Yet they were deprived of the basic ingredients of a healthy childhood: nutritious food and a warm, dry room in which to sleep. By the time Itzila brought them back to settle in Ponovezh at the end of the war, my father was diagnosed with the bone-development disease, rickets, caused by the lack of Vitamin D in their diet.

In another way, however, my father was the more fortunate of the boys. The lost schooling of those wartime years came at a less formative time for him than for his brother. Meir never fully made up the lost ground in school. My father simply began his Jewish primary education, *cheder*, a couple of years later than usual. He thrived there. Still, when it was time for him to enter secondary education, he decided against going on with his religious education. Meir was preparing to leave for Palestine, so my father enrolled in the Hebrew-language, Zionist high school. When he graduated, one of the many Brog relatives who were by now living in the United States, his Uncle Jacob, tried to persuade him to come to Pittsburgh for university studies. But with Meir signing on as his sponsor with the British Mandate authorities, he left for Palestine shortly before

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his twentieth birthday. Jacob did still insist on helping financially, which allowed my father to enroll at the Hebrew University in Jerusalem.

He did well in his studies – literature, history and philosophy – but abandoned them after two years. His explanation for not staying on, when I asked him years later, was that with the accelerating activity of the Zionist pioneers, it felt wrong to him to spend his days going to lectures, reading books and writing essays. I am sure that he also felt isolated and alone, with Meir, the only link to his life before Palestine, working in Haifa on the coast, four or five hours by bus from Jerusalem. When he began looking for a way to become part of the changes going on around him, Mishmar Hasharon didn't yet exist. Its founding core – a dozen Russian Jewish pioneers – was still working on argicultural settlements near Herzliya, north of Tel Aviv, until they found a place to start their kibbutz. But they had been joined by several young men and women who, though a year or two older than my father, had been with him at the Hebrew High School in Ponovezh. He decided to join them.

Late in 1932, the Jewish National Fund, supported financially by leading Jewish figures in western Europe and the US, bought 2,000 acres from an Arab landowner near Wadi Khawaret. The area was set aside for three Jewish settlements: a moshav called Kfar Haim, where the land was divided into family plots, and two kibbutzim. One was called Ma'abarot. Next to it was Mishmar Hasharon. My father was among the seventy youngsters who set off in three trucks with everything they figured they would need to turn the hard, scrubby hill into a kibbutz. They built the core from pre-fab kits: wooden huts to sleep in and a slightly larger one for the dining hall. They dug a well and ordered a pump from Tel Aviv, at first for drinking and washing, but soon allowing them to begin a vegetable garden, a dairy with a dozen cows, a chicken coop with a few hundred hens, and to plant a first orange grove and a small vineyard.

Still, by the time my mother arrived three years later, there were not enough citrus trees, vines, cattle and chickens to occupy a membership which now numbered more than 200. Along with some of the others, my father worked outside the kibbutz, earning a regular paycheck to help support the collective. On his way back, he would stop at the post office in Tel Aviv to pick up letters and packages for the rest of the kibbutz – including Ya'akov Margalit's love letters to my mother. That was how my parents' friendship began, how a friendly hello led to shared conversation at the end of my father's working day, and how, a few years later, my mother decided to spurn her Gordonia suitor in favor of Srulik Brog, the postman. It was not until 1939 that they moved in

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together. They didn't bother getting married until the summer of 1941. Perhaps because this was less than nine months before I was born, my mother always remained vague when asked their exact wedding date.

My parents were an unlikely pair. My mother – bright, lively and energetic – was a *doer*, who believed passionately in the grand social experiment of kibbutz life. Having helped her mother raise her siblings in Warsaw, and with a natural affinity from children, she became the main authority on issues related to childbirth and early childcare. She actively partook in the kibbutz's planning and politics, and reveled in its social life. My father was more detached both politically and socially. He was more contemplative, less assertive, less self-confident. Though he agreed broadly with the founding principles of the kibbutz, and wanted to play his role in making it a success, I could see, as I grew older, that he was often impatient at what he saw as its intellectual insularity and its ideological rigidities.

Though it didn't strike me at the time, he was not a large man. As a result of his childhood illness, he never grew to more than five-foot-four. Still, he was a powerful presence, stocky and strong from his work on the kibbutz. He had a deep, resonant voice and wise-looking, blue-gray eyes. It was only through Uncle Meir that by the time I was born, he had moved on from driving a tractor to a more influential role on the kibbutz. Meir worked for the Palestine Electric Company and when Mishmar Hasharon installed its own electricity system, the PEC was in charge of the work. Meir trained my father and put him forward as the kibbutz contact for maintaining and repairing the equipment. He was well suited for the work. He was a natural tinkerer, a problem-solver. He was good with his hands, and his natural caution was an additional asset as the kibbutz got to grips with the potential, and the potential dangers, of electric power. Once the system was installed, he became responsible for managing any aspect of the settlement that involved electricity: water pumps, the irrigation system, the communal laundry and our bakery.

My parents were courteous and polite with each other, but they never showed any physical affection in our presence. *None* of the adults did. This was part of an unspoken kibbutz code. Not only for kibbutzniks, but for all the early Zionists, outward displays of emotion were seen as a kind of selfishness that risked undermining communal cohesion, tenacity and strength. Because I'd known no other way, this did not strike me as odd. Besides, I was a quiet, contemplative, bookish and self-contained child. Only in later years did I come to see the lasting effect on me. It was be a long time before I became comfortable

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showing my feelings, beyond my immediate family and a few close friends. When I was in the army, this wasn't an issue. Self-control, especially in high-pressure situations, was a highly valued asset. But in politics, I think that it did for a considerable time inhibit my ability to connect with the public, or at least with the news media that played such a critical intermediary role. And it caused me to be seen not just as reserved or aloof, but sometimes as cold, or arrogant.

I did get much that I value from my parents. From my mother, her boundless energy, activism, her attention to detail, and her focus on causes larger than herself – her belief that politics *mattered*. Also her love for art and literature. When I would come home from the children's dormitory to my parents' room – just nine feet by ten, with a wooden trundle bed to save space during the day – there was always a novel or a book of verse sharing the small table with my parents' most single prized possession: their kibbutz-issue radio.

As a child, however, I spent much more time with my father. He was my guide, my protector and role model. Like my mother, he never mentioned the trials which they and their families endured before arriving in Palestine. Nor did they ever speak to me in any detail about the Holocaust. No one on the kibbutz did. It was as if the memories were scabs they dared not pick at. Also, it seemed, because they were determined to avoid somehow passing on these remembered sadnesses to their sons and daughters. Still, when I was ten or eleven, my father did – once, inadvertently – open a window on his childhood. Every Saturday morning, we would listen to a classical music concert on my parents' radio. One day, as the beautiful melodies of Tchaikovsky's violin concerto in D came through the radio, I was struck by the almost trancelike look that came over my father's face. He seemed to be in another, faraway, place. When the music ended, he turned and told me about the first time he'd heard it. It was on the train ride into Crimean exile with Itzila and Meir in the early days of the First World War. The train took five days to reach the Crimea and sometimes halted for hours at a time. Every evening, a man at the far end of their carriage would take out his violin and play the second movement of the Tchaikovsky concerto.

I have heard the piece in concert halls many times since. When the orchestra begins the second movement – with the violin notes climbing higher, trembling ever so subtly – it sends a shiver down my spine. I can't help thinking of the railway car in which my then four-year-old father and other Jews from Ponovezh escaped the Great War of 1914. And of other trains, in another war 25 years later, carrying Jews not to safety but to death camps.

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Listening to the concert program in my parents' room was something I always looked forward to. It was my father who encouraged me, when I was eight, to begin learning to play the piano. I took lessons once a week all during my childhood along with several other of the kibbutz children. When we got old enough, we took turns playing a short piece – the secular, kibbutz equivalent of an opening prayer – at the Friday-night meal in the dining hall. I have always cherished being able to play. Sitting down at the piano and immersing myself in Tchaikovsky, Beethoven, Schubert or Mozart never ceases to bring me a sense of calm, freedom and, especially nowadays, when I have finally worked to master a particularly intricate piece, a feeling of pure joy.

* * *

As a young child, I spent most of my waking hours in the company of my several dozen kibbutz "siblings" in the children's home, the dining hall, or running through the open spaces in the center of the kibbutz with our *metapelet*. She would often take us through the orange groves in the afternoon, and sometimes across the main road to the Arab village.

Wadi Khawaret consisted of a few dozen concrete homes built back from a main street bordered by shops and storehouses. She would buy us sweets in the little grocery store. The man behind the counter had a kindly, weathered face and a dark moustache. Dressed in a gray *galabiya* and a keffiyeh, he smiled when we came in. There was always a group of Palestinian women, in full-length robes, seated on stoops outside breastfeeding their babies. We saw cattle, bulls, even the odd buffalo, being led to or from the fields. I sensed no hostility, and certainly no hatred, toward us in the village. The people seemed warm, and benignly indifferent to the dozen Jewish toddlers and their *metapelet*. My own attitude to Wadi Khawaret was of benign curiosity. I did not imagine that within a couple of years we would be on opposite sides of a war. I enjoyed these visits, as I enjoyed every part of my early childhood. Each age-group on the kibbutz was given a name. Ours was called *dror*. It was the Hebrew word for "freedom".

But *dror* was also the name of one of the Jewish youth movements in the Warsaw Ghetto, heroes in their doomed uprising against the Nazis. Little by little, from about the age of five, I became more aware of the suffering the Jews had so recently endured in the lands my parents had left behind, the growing

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tension around us and the sense that something momentous was about to happen as the prospect of a state got closer.

The memories remain with me to this day, like a series of snapshots. It was on a spring morning in 1947 that I got my first real sense that the Jewish state was something which would have be fought for, and that youngsters not all that much older than me would have a critical role to play. I got a close-up look at the elite of the Zionist militias, the Palmach. It numbered something like 6,000, from a pre-state force totaling around 40,000. The Palmachniks were highly motivated, young political activists. They had no fixed base. Each platoon, almost all of them teenagers, spent five or six months at a time on various kibbutzim. For the first two weeks of each month, they would earn their keep by working in the fields. They spent the other weeks training. I had just turned five when I watched three dozen Palmach boys and girls, in their T-shirts and short khaki pants, rappel confidently down the side of one of our few concrete buildings. The building was only 25 or 30 feet high, but it looked like a skyscraper from my perch on the grass in front, and the feat of the young Palmachniks seemed to me nothing short of heroic.

A few months later, on a Saturday afternoon in November 1947, I crowded into my parents' room as the Haganah radio station crackled out its account of a United Nations debate on the future of Palestine. The session was the outcome of a long train of events starting with Britain's acknowledgement that its mandate to rule over Palestine was unsustainable. The British had proposed a series of arrangements to accommodate both Arab and Jewish aspirations. Now, the UN was meeting to consider the idea of splitting Palestine into two new states, one Arab and the other Jewish.

Since the partition was based on existing areas of Arab and Jewish settlement, the proposed Jewish state looked like a boomerang, with a long, very narrow center strip along the Mediterranean, broadening slightly into the Galilee in the north and the arid coastline in the south. Jerusalem, the site of the ancient Jewish temple, was not part of it. It was to be placed under international rule. By no means all Zionist leaders were happy with partition. Many, on both the political right and the left, wanted a Jewish state in all of Palestine, with Jerusalem as its centerpiece. But Ben-Gurion and the pragmatic mainstream argued that UN endorsement of a Jewish state – no matter what its borders, even with a new Palestinian Arab state alongside it – would represent a historic achievement. The proceedings went on for hours. At sundown, we had to return to the children's home. But we were woken before dawn. The vote for partition

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– for the Jewish state Herzl had first dreamed of 50 years before – had been won. A huge bonfire blazed in front of the bakery. All around us the grown-ups were singing and dancing in celebration.

On the Arab side, there was no rejoicing. Every one of the Arab delegations at the UN voted against partition, rejecting a Jewish state even if it was created along with a Palestinian Arab one. Violence erupted the next day. An attack on a bus near Lydda, near the road up to Jerusalem, left six Jews dead. Similar attacks occurred around the country. Shooting broke out in mixed Arab-and-Jewish towns and cities: Jaffa on the southern edge of Tel Aviv. Safed, Tiberias and Haifa in the north, and in Jerusalem.

I followed all this with curiosity and trepidation through my halting attempts to read *Davar le Yeladim*, the weekly children's edition of the Labour Zionist newspaper *Davar*. We children felt an additional connection with what was going on. One of our *Dror* housemates, a boy named Giora Ros, had left the year before when his father took a job in Jerusalem. As the battle for the city raged through the end of 1947 and into 1948, its besieged Jewish residents fought for their lives. We sent our friend packages of clothing and food, which we saved up by eating only half of an egg at breakfast and smaller portions at dinner.

The mood darkened further at the end of January 1948, four months before the British departed. A cluster of settlements known as Gush Etzion, south of Jerusalem near the hills of Bethlehem, also came under siege. Around midnight on January 15, a unit of Haganah youngsters set off on foot to try to break through. They became known as "The 35". Marching through the night from Jerusalem, they had made it only within a couple of miles of Gush Etzion when they were surrounded and attacked by local Arabs. By late afternoon, all of them were dead. When the British authorities recovered their bodies, they found that the enemy had not simply killed them. All of the bodies had been battered and broken. Rumors spread that in some cases, the dead men's genitals had been cut off and shoved into their mouths. Since I was still a few weeks short of my sixth birthday, I was spared that particular detail. But not the sense of horror over what had happened, nor the central message: the lengths and depths to which the Arabs of Palestine seemed ready to go in their fight against us. "*Hit'alelu bagufot!*" was the only slightly sanitized account we children were given. "They mutilated the corpses!"

Even after the partition vote, statehood was not a given. In the weeks before the British left, two senior Americans –the ambassador to the UN and Secretary

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of State George C. Marshall – recommended abandoning or at least delaying the declaration of an Israeli state. Yet Ben-Gurion feared that any delay risked the end of any early hope of statehood. After he managed to secure a one-vote majority in his *de facto* cabinet, the state was declared on May 14, 1948.

And hours later, the armies of five Arab states crossed into Palestine.

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Chapter Two

The 1948 war and the decade that followed remain vivid in my mind not just for the obvious reason: they secured the survival of the infant state of Israel and saw it into a more assured and independent young adulthood. It was also the time when I grew from a young child –introspective and contemplative, aware of how quickly my mind seemed to grasp numbers and geometric shapes and musical notes, but also small for my age and awkward at the sports we'd play on the dusty field at the far edge of the kibbutz – into a sense of my own place in the family and community and the country around me. I did, along the way, become arguably the most effective left defensive back on our kibbutz soccer team. But that was not because I suddenly discovered a buried talent for the game. Physically, I was like my father. I had natural hand coordination which made delicate tasks come easily – one reason I would soon discover a pastime that lent itself to acts of kibbutz mischief bordering on juvenile delinquency. But when it came to larger muscles, I was hapless, if not hopeless. My prowess as a soccer defenseman was because no opposing player in his right mind, once I'd inadvertently cut his knees from under him when aiming for the ball, felt it was worth coming anywhere close to me.

But when the war broke out in earnest in the spring of 1948, my focus, like that of all Israelis, was on the fighting, which even the youngest of us knew would determine whether the state would survive at all. Day after day, my father helped me to chart each major advance and setback on a little map. Dozens of kibbutzim around the country were in the line of fire. Some had soon fallen, while others were barely managing to hang on. Just five miles inland from us, an Israeli settlement came under attack by an Iraqi force in the nearby Arab village of Qaqun.

But inside Mishmar Hasharon, I had the almost surreal feeling that this great historical drama was something happening everywhere else but on our kibbutz. If it hadn't been for the radio, or the newsreels which we saw in weekly movie nights in the dining hall, and the little map on which I traced its course with my father, I would barely have known a war was going on. One Arab army did get near to us: the Iraqis, in Qaqun. If they had advanced a few miles further, they could have overrun Mishmar Hasharon, reached the coast and cut the new Jewish state in half. I can still remember the rumble of what sounded like thunder one morning in June 1948, as the Alexandronis, one of the twelve brigades in the new Israeli army, launched their decisive attack on the Iraqis.

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"No reason to be afraid," our *metapelet* kept telling me. That only made me more scared. Yet within a few hours, everything was quiet again, and never again did the shellfire get near to us. A few weeks later, I heard the only gunfire inside the kibbutz itself. It came from the top of our water tower. The man on guard duty thought he saw movement on the road outside. But it turned out to be nothing.

It wasn't until well into 1949 that formal agreements were signed and "armistice line" borders drawn with the Arab states. By the measure that mattered most – survival – Israel had won and the Arab attackers had lost. Jordan did end up in control of the West Bank, as well as the eastern half of a divided city of Jerusalem, including the walled Old City and the site of the ancient Jewish temple. The new Israel remained, at least geographically, vulnerable. It was just 11 miles wide around Tel Aviv and even narrower, barely half that, near Mishmar Hasharon. Egyptian-held Gaza was seven miles from the southern Israeli city of Ashkelon and just 40 from the outskirts of Tel Aviv.

Israel did secure control of the entire Galilee, up to the pre-war borders with Lebanon and Syria, and of the Negev Desert in the south. The territory of our new state was about a third larger than the area proposed under the UN partition plan rejected by the Arabs. Yet the victory came at a heavy price: more than 6,000 dead, one per cent of the Jewish population of Palestine at the time. It was as if America had lost two million in the Vietnam War. One-third of the Israeli dead were Holocaust survivors.

The Arabs paid a heavy price too, and not just the roughly 7,000 people who lost their lives. Nearly 700,000 Palestinian Arabs had fled – or, in some cases, been forced to flee – towns and villages in what was now Israel. The full extent and circumstances of the Arabs' flight became known to us at Mishmar Hasharon only later. But it did not take long to notice the change around us. Wadi Khawaret was physically still there, but all of the villagers were gone. As far as I could discover, none had been killed. They left with a first wave of refugees in April 1948, and eventually ended up near Tulkarem on the West Bank. After the war, the Israeli government divided up their farmland among nearby kibbutzim including Mishmar Hasharon.

The absence of our former neighbors in Wadi Khawaret seemed to me at the time simply a part of the war. From the moment the violence started, I understood there would be suffering on both sides. When we sent our care packages to Giora Ros in Jerusalem, I remember trying to imagine what "living

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under siege" would feel like, and what would happen to Giora if it succeeded. Especially after the murder and the mutilation of The 35, I assumed the war would come down to a simple calculus. If there was going to be an Israel – if there was going to be a Mishmar Hasharon – we had to win and the Arabs had to lose. At first, even the fact our kibbutz had been given a share of the land of Wadi Khawaret seemed just another product of the war. After all, Ben-Gurion had accepted the plan for two states. The Arabs had said no, deciding to attack us instead. S*omeone* had to farm the land. Why not us?

* * *

Yet events after the war did lead me to begin to ask myself questions of basic fairness, and whether we were being faithful to some of the high-sounding ideals I heard spoken about with such pride on the kibbutz. The Palestinians were not the only refugees. More than 600,000 Jews fled *into* Israel from Arab countries where they had lived for generations. More than 100,000 arrived from Iraq, and several hundred thousand from Morocco, Tunisia and Algeria in north Africa. Immediately after the war, about 50,000 were airlifted out of Yemen, where they had endured violent attacks ever since the UN partition vote.

The reality that greeted the Yemenis in Israel was more complex. Most were initially settled in tented transit camps. I'm not sure how several dozen Yemeni families made their way to Wadi Khawaret, but it made sense for them to move into the village's vacant homes. It was empty except for several deserted buildings which we and other kibbutzim began using for storage and, later, for our transport co-operative. Yet a few nights after the Yemenis moved in, a posse of young men, including some from Mishmar Hasharon, descended on them and, armed with clubs and wooden staves, drove them away.

I was shocked. I'd seen the photos in *Davar le Yeladim* celebrating the airlift, with the Yemenis kissing the airport tarmac in relief, gratitude and joy at finding refuge in the new Israeli state. Now, for the "crime" of moving into a row of empty buildings in search of a decent place to live, they'd been beaten up and chased away. By *us*. I realized Wadi Khawaret no longer belonged to the Arabs. But, surely, our kibbutz had no more right to the buildings than Jews who had fled from Yemen and needed them a lot more than we did. For days, I tried to discover who had joined the vigilante attack. Though everyone seemed to know what had happened, no one talked about it. In the dining hall, I ran my

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eyes over all the boys in their late teens and early 20s. I was sure that after something like this there had to be some sign of who had done it. But they looked the same as before, eating and talking as if nothing had happened.

The Yemenis also needed jobs. This led to a challenge for Mishmar Hasharon. The core of the kibbutz ethos was that we would live from our own labor. Yet Ben-Gurion insisted we and other kibbutzim provide work for the Yemenis and other new arrivals from the Arab states. We began hiring Yemeni workers when I was about ten, the age when we kids started working for an hour or so each day in the fields. We worked alongside several dozen Yemeni women who lived a few miles north in a *maabarah*, a transit settlement which later evolved into a village called Elyakhin. Each morning, the Yemenis arrived in a bus, and they left at the end of their day's work.

I don't know whether I expected to feel a Gordonian sense of joy at the redemptive value of physical labor when I began working in the fields. Our first assignment was to plant long rows of flower bulbs – gladioli – spaced at intervals of four inches or so. But as I joined the other children and the Yemeni women, what I felt was more mundane. Heat. Fatigue. Boredom. To make the time pass, I thought of it as a competition. Each of us began together, planting the bulbs in furrows stretching to the end of the field. The point was obviously to do it right. But I found it interesting to see who finished first, and how much longer it took the rest of us.

The same worker always led the way. She was a Yemeni in her early thirties. Her name was Baddura. Short and stocky, with dark curly hair, she was nearly always smiling, whether we were planting bulbs, sowing seeds or picking oranges and grapefruit and lemons, potatoes or peppers and tomatoes. When I remarked to her how much better and faster she was than the rest of us, she laughed. Still years away from growing into my adult body, I looked more like a eight- or a nine-year-old. She took me under her wing. The next day, we were picking tomatoes. "Do the row next to mine," she said. Watching the almost balletic grace with which she moved made it easier. I decided it was like mastering a new piece on the piano. The secret was to achieve a kind of unthinking fluidity, by focusing on the passage one or two ahead of the one you were playing. Physically, Baddura was far stronger than me. Before long, however, I was finishing my sowing or reaping a good ten yards ahead of the other kids, and not too far behind her.

Though the Yemenis worked in our fields, they were not members of the kibbutz. They were paid a day-rate. Though they were by far the most

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productive workers, they got no share of what we produced or possessed. A few years later, I raised this at one of the separate *aseifa* meetings held by young people on the kibbutz, only to be told we'd never wanted to employ outsiders in the first place. It was only because of Ben-Gurion that we felt unable to refuse. I'm sure that was true, but it seemed to me an incomplete answer, and an evasion. It struck me as an exercise in finding a verbal rationale for a situation that was obviously unjust.

It was an accidental glance up from picking carrots which focused in my mind the sense of unfairness I felt. We were working on a tract of about seven acres of rich, dark soil where we grew carrots, tomatoes and potatoes and eggplants. I think I was 11 or 12. We had assembled in the early afternoon near the kibbutz garage. We piled on to a flatbed trailer, a dozen kids and a dozen Yemeni women. We were towed by a tractor driven by a man named Yankele. He was in his mid-40s. Like my father, he was one of the original group at Mishmar Hasharon. Before the Yemenis came, he had worked planting and harvesting. Now, he was responsible for "managing" the Yemenis, and us kids as well, during our fieldwork. He paced among us every half-hour or so to make sure the work was going smoothly. Though the area was ankle-deep in mud during in the winter, it was hot and dusty in the summer. I'd been working for an hour or so, crouching alongside Baddura, when I looked up. On the edge of the field, under the shade of a clump of banana trees, I saw Yankele. He had a set of keys on a metal chain. He was twirling them around his finger, first one way, then the other, as his eyes tracked us and our Yemeni co-workers. Like a kibbutznik-turned-plantation-owner.

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As a February baby, I was the youngest in our age group. In the tiny world of the kibbutz, there were not enough children to organize separate school classes for each year. When I started school, I was five-and-a-half. Most of the others were six. A few had already turned seven. Maybe it was this age pressure, or maybe something inside me, but from the outset, I had a thirst for knowledge. I was aware early on that some of the schoolwork came easily, almost automatically to me: numbers and math and reasoning most of all. I also began reading books, even if I could not fully understand them. By the time I was eight or nine, I was burying myself in volumes of the children's encyclopedia at

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the kibbutz library, trying to untangle the mysteries of airplanes and automobiles, or the creation of worldly wonders, from the Hanging Gardens of Babylon to the Empire State Building and the Golden Gate Bridge.

At first, I got many of the answers from my father. On Saturdays, we would walk around the kibbutz as I plied him with questions. In many ways, he always lacked self-confidence. I remember decades later, after he had passed away, asking my mother how come they had spent their entire lives on the kibbutz and never moved away. She replied: "What would your father have done outside?" But he had a quick mind and, despite having left Hebrew University early, had secured enough credits to get his degree – one of a handful of men on the kibbutz to have done so. He delighted in acquiring, and sharing, knowedge.

How come the moon wasn't always round, I remember asking him in one of our first educational strolls. How did anyone *know* that the sabertooth tigers I'd seen in the encyclopedia actually existed? And where were they now? There was not a single question he did not try to help me answer. When I was nine or ten, he took me to see the first water pump on the kibbutz. I watched as he disassembled the casing, then the power unit, which had a big screw-like element in the middle. I wanted to know how it worked, how it was designed. How it was made. A few months later, he took me to the factory near Tel Aviv where the pumps were manufactured.

I was an introverted child, not so much shy as self-contained, contemplative, at times dreamy. Our *metapelet* from when I was three until age eight was named Bina. She was the mother of twins a year younger than me. She was more handsome than beautiful, with wavy dark hair. But she was full of warmth. She was especially kind to me, which was no doubt one reason I felt the effects of my collective upbringing less dramatically than some other kibbutz children. When we were both much older, she used tell a story about my slightly ethereal approach to life when I was in her charge. One winter afternoon when I was four, she took our group on to the gentle rise on the northern edge of the kibbutz, which at that time of year was full of wildflowers. When she got there, she realized I had gone missing. Retracing her steps, she found me standing in front of a rock in the middle of the dirt path. "Ehud," she said, "why didn't you come with us?" I apparently replied: "I'm thinking: which *side* of the rock should I go around?"

Still, important though Bina was as a presence in my life, it was the influence of another figure – another youngster – who mattered more and for longer. His name was Yigal Garber. In first grade, every child got a mentor.

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Yigal was mine. Solidly built and self-confident, with a knowing smile, he would go on to become one of the most respected members of the kibbutz. Though I was the only child he mentored, he was also in charge of our class's extracurricular educational program. It began when I was ten, and Yigal was sixteen. It was a mix of ideological training – the kibbutz equivalent of what my mother had done with her Gordonia friends in Poland – and a scouting course.

One evening a week, he would spend several hours with us. He began by reading us a story or a poem. One which I remember with particular clarity involved a slave who had a nail driven into his ear in hopes of remaining in his master's service forever. He had become enslaved not only in body, but in mind. Another night, Yigal read us an account of a Palmach unit stranded on a hill they had taken, with anti-personnel mines all around them. The readings were gripping and they were always an entry-point for a discussion: how did we understand the story? What would *we* do if faced with a similar choice?

When that part was over, he walked us into the fields outside the kibbutz. The only sound we heard was the occasional screech of a jackal. Sometimes, he would split us into twos and have each pair set off from a far edge of the field and find our way back. Yigal stationed himself at the center. We would have to sneak up and see which of us could get closest without his seeing or hearing us approach. In his last year with us before leaving for his army service, he gave each of us a narrow wooden stick and began drilling us in the teenage introduction to martial arts. But I was less interested in that part of the training than the scouting exercises. Not only was I the youngest in our group, and the smallest, except for a couple of the girls. Notwithstanding my accidental prowess on the soccer field, I lacked the strength and coordination to hold my own in most physical contests at the time.

* * *

Yet then, shortly after I turned thirteen, I overheard a conversation between a couple of older kids in the dining hall. They said there was this guy in Gan Shmuel, a kibbutz to the north of us, who had an "amazing" ability. Using a strip of steel shaped to work like a key, he could open locks – even chunky Yale padlocks, the gold standard in those days – in less than a minute.

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I was intrigued by the mechanical puzzle and managed to locate two slightly rusted locks. One was a Yale, the other an Israeli-made lookalike called a Nabob. One evening after dinner, I searched the ground around the kibbutz garage for shards of metal that looked like they might fit into the key slot, and spent the next half-hour or so propped against a tree, trying and failing to coax either lock to open. I realized I would need to discover how the locks worked. But how to get inside to see?

Saturday afternoons in Mishmar Hasharon were a quiet time, like the old Jewish neighborhoods and shtetls back in Europe but minus the religious trappings. The next day, I waited until mid-afternoon and walked past the bakery towards the garage. Its roll-down, corrugated door was locked. So was the structure next to it, where the blacksmith and metalwork shop were. But attached to the blacksmith's was a hut where our scrap metal was dumped. I doubted it would be locked, and it wasn't. Pausing to let my eyes get used to the dark, I made my way into the metalwork area. I crossed to the cabinet where the tools were kept. I took out a steel jigsaw used for cutting through metal and, hiding it under my shirt, made my way out again.

Fortunately, the saw was up to the task of cutting into the softer alloy that made up the body of the locks. Once I'd cut inside them, I saw they shared the same basic construction. There was a series of springs and shafts which, in response to the indentations of a key, aligned in such a way to allow the lock to open. I sneaked back into the metalwork shop five or six times. By trial and error, I managed to shape one of jigsaw blades into a pick tool that seemed like it should do the job. For days, I manipulated it into each of the padlocks. I knew I had the principle right, but I still couldn't get it to work. Blisters formed on my thumb and fingers. Then, finally, the Yale sprung open! With each successive try I got better at knowing how to put the blade in, when and where to rotate it and how much pressure to apply. After fashioning a half-dozen other tools, each slightly different in width and shape, I reached a point where I could get the mechanism to work on my first try. Other locks – doors, trunks, closets – were even easier after I made picks for them as well.

I couldn't resist sharing my newly acquired skill with a couple of the boys in my class, and word gradually spread. There was a handful of slightly older boys who we referred to as the "rogues". They weren't delinquents. They were free spirits, bridling at the uniform expectations and rules of kibbutz life. Over the next few years, as co-conspirators more than close friends, I found myself drawn to two of them. Ido and Moshe were 18 months older than me. Though

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Ido was just a few inches over five feet, he was strong and athletic, a star even on the basketball court. Moshe was taller, if a bit overweight. He was nowhere near as strong as Ido, but still stronger than me, and had a streetwise intelligence and a sardonic sense of humor. Both had tested the patience of our teachers to breaking point. Ido had been sent off to a vocational school in Netanya. Moshe was moved to *Mikveh Israel*, a school which focused mostly on agriculture. On Friday evenings and Saturdays in the kibbutz, however, they filled their time with a variety of minor misdeeds. My role – the cement in our budding partnership – was as designated lock-picker.

Our first caper targeted the concrete security building near the dining hall. It contained the kibbutz's store of weapons, with a metal door secured by a padlock. Late one Friday night, with Ido and Moshe as lookouts, I crouched in front of the lock and took out my tools. In less than a minute, I had it open. We darted into the storeroom. There were about 80 rifles, along with a few machine guns, on racks along the walls. Ido took a rifle from the furthest end of the rack and wrapped it in a blanket. Moshe pocketed a box of ammunition. As the others hurried back to our dormitory, I closed the lock, making sure it was in the same position I'd found it, and joined them. The next afternoon, we stole away through the moshav of Kfar Hayim into a field on the far side. We test-fired the rifle until sunset, when we returned to the kibbutz and replaced it in the armory. It felt like the perfect crime: foolproof, since no one was likely to notice anything. Essentially harmless. And repeatable, as we confirmed by returning on Friday nights every month or two.

This modest pre-adolescent rebellion never extended to doubting the national mission of Israel. Growing up on a kibbutz in a country younger even than we were, we all felt a part of its brief history, and its future. That was especially true after my kibbutz mentor, Yigal, left for his military service and joined one of the Israeli army's elite units.

The 1948 war had been won. But it had not brought peace. Palestinian irregulars, *fedayeen* operating from Jordan and the Gaza Strip, mounted hit-and-run raids. In armed ambushes or by planting mines, they killed dozens of Israeli civilians and injured hundreds more. The country was in no mood for another war. The newly created Israeli armed forces – known as *Tzahal*, a Hebrew acronym for the Israeli Defense Force – also seemed to have lost the cutting edge, or perhaps the desperate motivation, of the pre-state militias. At first, Ben-Gurion relied on young recruits in the new army's infantry brigades to counter the fedayeen attacks. Nearly 90 reprisal operations were launched in 1952 and

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early 1953. Nearly all ended with the soldiers failing to reach their target or taking casualties. Sometimes both.

By mid-1953, the army decided to set up Israel's first dedicated commando force. It was called Unit 101. It was led by a 25-year-old named Ariel Sharon, who had been a platoon commander in 1948. With Ben-Gurion and especially his army chief-of-staff, Moshe Dayan, determined to hit back hard at the fedayeen attacks, Sharon took a few dozen hand-picked soldiers and began mounting a different kind of retaliatory attacks. The largest, in October 1953, was in response to the murder of a woman and her two children in their home in central Israel. It was against the West Bank village of Qibya. Sharon and his commandos surrounded and attacked the village, destroying homes and other buildings – and killing at least 40 villagers sheltering inside them. Israel immediately came under international condemnation, accused of allowing its troops to unleash a massacre. Unit 101 was disbanded. It lasted just half a year. But that was not because of Qibya. While realizing the importance of avoiding civilian casualties, Dayan remained convinced that only units like 101 offered any realistic hope of taking the fight to the fedayeen. He made Unit 101 the core of a larger commando force merged into Battalion 890 of the paratroopers' brigade, and he put Sharon in overall command.

It was this force that Yigal Garber joined. He became part of its elite commando team, Company A and took part in a series of attacks on the West Bank and in Gaza. While avoiding a repeat of Qibya, they inflicted heavy casualties on Jordanian and Egyptian army and police units, and also suffered casualties of their own. Battalion 890 was based just a couple of miles from Mishmar Hasharon and Yigal returned to the kibbutz every few weeks. He never talked about the commando operations. But every time there was a report of Israelis killed in a fedayeen attack, I knew there would be a retaliation raid, with my Yigal almost certainly involved and, I hoped, returning unscathed.

He did. And in 1956, two years into his military service, he was part of Israel's second full-scale war. For a while, the reprisal attacks seemed to be working. The fedayeen attacks decreased. But that didn't last, especially in the south along the border with Gaza. Egypt's pro-Western monarchy had been toppled in a coup organized by a group of army officers led by a stridently pan-Arabist – and anti-Israeli – lieutenant colonel named Gamal Abdel Nasser. Egypt began providing not just tacit support for the fedayeen in Gaza, but arming and training them and helping organize cross-border attacks. Then, in

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the summer of 1956, Nasser nationalized the Suez Canal, which had been owned by the British and French.

Ben-Gurion was emboldened to go war by the fact that both Britain and France wanted to retake the canal. Under an agreement reached beforehand, Israel was to begin the hostilities, after which the British and French would enter under the guise of separating Israeli and Egyptian forces. Ben-Gurion's hope was to end the threat of fedayeen strikes, at least in the south, by taking control both of Gaza and the enormous natural buffer afforded by the Sinai Desert. Militarily, it went to plan. On October 29, 1956, Yigal and other paratroopers from Battalion 890 were dropped deep into the Sinai. They landed near the entrance to the Mitla Pass, a sinuous route between two lines of craggy hills 25 miles from the canal. British and French air strikes began three days later. Nasser pulled most of his forces back across the canal. By early November, Israel was in control of Gaza and the whole of the Sinai.

Politically, however, Ben-Gurion and his European partners had catastrophically miscalculated. Britain and France were fading imperial powers. The balance of power after the Second World War rested with America and the Soviet Union. Both were furious over the obviously pre-arranged seizure of Sinai, Gaza and the canal. It took a while for the message to sink in. In a speech to the Knesset after the conquest was complete, Ben-Gurion declared the post-1948 armistice null and void, and said Israel would never again allow "foreign forces" to control the territory it had captured.

A few days later, however, he had no choice but to deliver a different message in a radio address to the country. He had at least managed to secure a concession with the help of the Americans. The Sinai and Gaza would be placed under supervision of a UN force. He also got a US assurance of Israel's right of passage through the Straits of Tiran to the Red Sea, and an agreement that if the Egyptians blocked Israeli shipping we would have the right to respond. But he announced that we would be leaving every inch of territory taken in the war. By early 1957, we did so. The one lasting gain came in Gaza. On their way out, Israeli troops destroyed the fedayeen's military installations, and cross-border attacks from the south ceased.

Unlike in 1948, the Sinai War touched me directly. I never felt Israel's existence was in danger. The fighting was brief and far away. But Mishmar Hasharon had a small role in the war plan. Ben-Gurion and Dayan were concerned that the co-ordinated attack might lead to a wider war, with the possibility that Egyptian warplanes might get involved as they had in 1948.

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Among the precautions they took was to base several hundred reservists from the Alexandroni Brigade in a defensive position near the Mediterranean: the eucalyptus grove at the top end of our kibbutz, where the cover was so dense they were all but invisible from the air.

We kids seized on the chance to talk to the reservists. I can't remember whether it was Ido or Moshe who noticed an area at the back of their encampment, on the other side of the kibbutz cemetery, where neatly stacked boxes of munitions were being kept. But we spent the next several afternoons on reconnaissance. A soldier was always on guard. But there were times the area was unwatched, either when one guard handed over to the next, or on their cigarette breaks.

We struck the following Friday. Nowadays, the cemetery consists of a half-dozen rows of headstones. Walking through it, as I still do at least once each year, is like revisiting my past. Almost all the grown-ups I remember from my childhood now rest there, including my parents. My father died in 2002, at the age of 92. My mother passed away only a few years ago, a few weeks after her 100th birthday. But in 1956, the cemetery was tiny. The chances of anyone being there at midnight on a Friday were close to zero. Crouching in the shadow of the headstones, we could see the guard. We waited until he left for his break. Each of us took a wooden box and one of the slightly larger metal boxes. Inside, we found a treasure trove: thousands of bullets for all kinds of weapons. The metal cases held heavier firepower: grenades and mortars. We returned those. We were mischievous, but not crazy. Yet each of us now had a crate full of ammunition, even including belts for machine guns.

* * *

My experience at school began to change in my early teenage years as well. Shortly before my fourteen birthday, our age group was sent to a school outside Mishmar Hasharon. The kibbutz had decided that since there were only a dozen-or-so children in each class, it wasn't economically viable to provide a quality education. They sent us to the regional high school.

It was several hundred yards down the road in the direction of Tel Aviv. It was far more rigorous. I was no longer the only kid in my class who liked to read or could do math problems in his head. It was there I first got truly

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interested in science. When I came across concepts I couldn't understand, our teachers always seemed able to answer my questions or help me find the answers myself. I liked the school enormously. I might well have gone on to finish my secondary education there. I probably should have. But the next year, the kibbutz brought us back again.

One of the considerations was financial. Like many kibbutzim, Mishmar Hasharon concluded that in order to make its school more economically sustainable it would take in a number of "outside children" – *yeldei chutz* – from towns and settlements around Israel. Yet this latest policy change was also triggered a debate over the *kind* of education kibbutzim should provide. Should a kibbutz school offer a curriculum tailored to passing the *bagrut*, the matriculation exam, and going on to university? Or should it limit itself to a fairly basic education geared to developing the talents needed for a productive life on the kibbutz? In a series of heated debates in the dining hall, almost all of Mishmar Hasharon supported the model of a basic, kibbutz-oriented education.

My father was the leading voice among the dissenters, and though it seemed obvious he was fighting an uphill battle, I remember feeling a sense of pride at watching him – and an echo in my own impulse to reach my own judgment about issues and to act on it as I was growing older. Not only was he opposed to the new policy. He was aghast. In the only time I can recall his speaking out at one of the weekly kibbutz meetings, he asked how Mishmar Hasharon could take upon itself the right to constrain an individual child's life potential. "We are Jews!" he said. "We are people who have left our impact on history through our scholars, not our peasants. I can't understand how we, who came here to open a new chapter in the history of our people, can choose to keep our sons and daughters from studying. We should *encourage* them to study!" He accepted that the interests of the kibbutz mattered. But what kind of "model society" would we be creating if we chose to "doom our own children to ignorance, and cut them off from the great forward momentum of history in Israel and the whole world?"

Especially in a kibbutz, however, the majority ruled. In this case, it was nearly unanimous, my mother included. I could see she felt torn, whether because she agreed with my father or because she realized how deeply he felt. But she accepted the decision. For her, that was what was meant by being part of the larger kibbutz family. Still, my father didn't give up. He couldn't change the kibbutz's ruling. But he tried to get me to stay at the regional high school. A couple of years earlier, examiners had fanned out across Israel to administer its

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first aptitude tests. I finished among the top two dozen results in the country. "How can you throw your gifts away? For *what*," he asked me. "If you leave that school, and give up on going to university, it will be like betraying yourself." At one point, he walked me out to the patch of hard-packed soil where we parked the tractors and farm machinery. "What do you want to do with your life," he asked. "Do you want to be a *farmer*?"

I thought about it before answering. "I don't know what will happen in the future," I said. "But if you ask me now, I would say I want to drive one of the kibbutz trucks."

I could see the shock and disappointment in his eyes. But it was the truth. I did imagine that at some point I might want to make a life outside the kibbutz. But I'd never lived anywhere else. If I was going to remain a part of it, I could think of no better way than to join our little corps of drivers. Though they lived on the kibbutz, they spent most of their time delivering or picking up goods in places like Tel Aviv, Holon or Ashkelon. As the US Marines might have put it, I guess I figured I'd join the truck-drivers and see the world.

The deeper reason I said no to my father, as I am sure he suspected, was that I felt a need to take control of my own life. That was simply a part of growing up, a process which probably happened more quickly for 1950s kibbutz children than for town or city kids. We loved and respected our parents. But we were living with other teenagers. We weren't just residents of the kibbutz. We were part of the economic collective, working in the fields or orchards, the garage and the metal shop. This bred a sense of independence. I listened to my father's arguments. But this was a decision about *my* future. I felt I had to make it for myself. I cared about my education. But I'd reached a stage where my life outside the classroom, and my circle of friends, mattered more. I am sure that the same impulse drove me in my continuing freelance forays into lockpicking and petty larceny with Ido and Moshe.

So I returned to the kibbutz school. The level of teaching was nowhere near the regional school's. But we did begin studying new subjects like economics and politics. There were two other welcome surprises as well. The first was the arrival of a new history teacher. Knowledgable, enthusiastic and eloquent, he had a rare gift for igniting excitement in his students. We studied the French Revolution. He brought it to life with insights into Montesquieu, Rousseau and John Locke, Louis XVI and Mary Antoinette, Robespierre and Napoleon. He traced the dynamics that led to the revolution, and the way its ideals descended into the bloodshed and terror that followed. He presented history as a human

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process that raised as many questions as it answered, as something we could learn from.

The second high-point was a couple named David and Leah Zimmerman. Though Mishmar Hasharon, like other kibbutzim, was secular, they introduced us to the Talmud, the ancient compendium of rabbinic discussion and debate on the meaning of passages from the Bible. We focused on two tractates, *Baba Kama* and *Baba Metziah*, in which the rabbis drew on verses from Exodus to argue out a system of rules for resolving civil disputes. It was the Talmud of torts. The intricacy and the depth of the rabbinical debate fascinated me.

* * *

Yigal returned from the army a few months after the 1956 war, when, like other teenagers, I was about to enter a pre-military program known as *Gadna*. There were several options kids could choose. One was linked to the air force, another to the navy. But most of us joined the reconnaissance and scouting group, *Gadna Sayerim*. It involved studying topography and navigation, as well as field exercises that were a lot like the ones Yigal had put us through a few years earlier. At year's end, we took part in a national exercise. It was called, a bit grandiosely, *Miyam el Yam*: from sea to sea. We had to find our way from the Mediterranean, near Haifa, across northern Israel to a lake which was a sea only in name, the Sea of Galilee. It lasted three days. We were placed in teams of four. We were each given a topographical map and a compass, with landmarks marked along the way which we had to find and draw in a notebook to prove we'd been there.

A couple of hours in, we faced our first challenge. We were making our way along a shepherds' trail, with brush and bramble on either side, when the path split in two. We had to decide which fork to take. The map didn't help. Each inch covered the equivalent of a mile-and-a-half. The key was to be able to match it with what we were seeing around us. To use points we *could* identify from the map – Haifa and the sea in the receding distance, and a taller hill to our northeast – and then figure out which path was more likely to take us in the right direction. I knew this mix of calculation and imagination was something I enjoyed. But it was more than that. Each of us had had the same preparation for the exercise. As my trek-mates turned to me for this first decision, and then on

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each successive stage as we crossed the Galilee, I realized that it was also something that I was naturally good at.

Still, the closest thing to real military activity remained my excurions with Ido and Moshe. Our ammunition trunks were stowed under our beds. But the final piece of our arsenal fell into place in May 1958. For the tenth anniversary of Israel, there was a national exhibition celebrating the achievements of the state. I paid a first visit on my own. I was curious to see what was on show. But as I walked through, I couldn't help noticing the lack of security. Two days later, I returned with Ido and Moshe. There was a stand devoted to the Israeli military industry. We already had a supply of ammunition for an Uzi submachine gun, courtesy of our raid on the Alexandroni Brigade. Now, when the guy in charge of the stand was chatting with other visitors, we came away with an Uzi.

It was then the trouble began. Along with Ido, Moshe and the other older boys, I now lived in a larger dormitory under the cursory gaze of an older *metapelet*. She was doing routine cleaning when she decided to dust around the boxes under our beds. She'd never given them much thought. But when she tried to move one of them, she was amazed by its weight. She got one her sons-in-law to help. I think the box he pried open first was Moshe's. But within a few minutes he'd opened Ido's and mine as well. Inside each were hundreds of bullets and the machine-gun belts. Inside mine was our prized Uzi. It would not exactly have taken the KGB to work out the rest. The kibbutz leaders ordered an inquiry. Ido was summoned first, and attempted a brief show of defiance. "What's the big deal," he asked. "It's just stuff we collected. Why should you care?" But separately questioning Moshe, then Ido again, the inquisitors worked out every detail. The fact that the ammunition had come from the Alexandroni Brigade, the reservists sent to *defend* us, was bad enough. But the Uzi had been stolen from the National Exhibition. That was even worse. It was left to the core of young men in their late 20s and 30s to figure out how to punish us. Everyone agreed we could not be reported to the police. That would risk a scandal for the kibbutz. They decided to beat some sense into the offenders, in front of all the rest of the teenagers in the dormitory.

I wasn't there. One afternoon each week, I now boarded a bus into Tel Aviv for my piano lesson. But when I returned after sundown, I sensed immediately something was wrong. Yigal was waiting at the bus stop outside the kibbutz. He told me that what I had done was terrible. Not just because it involved weapons, but because it was a *breach of trust*. Did you really *steal ammunition from the*

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army, he asked, his voice rising. And from the *National Exhibition*? I didn't bother denying it. I suppose I felt lucky they hadn't found out about our raids on the kibbutz armory. He did not administer my beating. That came a few weeks later from one of the kibbutz elders. He simply took me by the shoulders and shouted: "You must *never* do this again."

It was worse for my parents. At first, they believed I was an innocent party. They were convinced I couldn't have got involved in something like this without being dragged in by the others. My father even asked me whether the reason I'd been "drafted" by Ido and Moshe was because I was small, and able to squeeze through tight spaces in windows and doors. As it happened, that did sometimes come in handy. But I told them, no, I was not an unlucky bystander. I was as much a part of it as the others. My father was angrier than I had ever seen him. My mother, faced with what must have seemed like a betrayal of every one of her Zionist principles, told me that if the kibbutz had decided to report us to the police, she would not have objected.

Their mood lifted slightly when I began my final year of high school in September 1958. After two years back in the kibbutz school, our age-group was sent out again in another shift in policy. This one was in response to signs of growing support in Mishmar Hasharon and other kibbutzim for the argument my father had made against the quality of education we were offering. In order to go at least some way toward meeting that objection, Mishmar Hasharon was banding together with two dozen other kibbutzim and sending all 12th-graders to one of two outside high schools. The first, called Beit Berl, was a Labor Zionist institution focusing on the humanities. In addition to a few of the less academic boys, most of the girls were sent there. The rest of us went to a place called Rupin. It was a few hundred yards past the regional high school. It specialized in agriculturally related scientific research.

A few of the teachers were enormously gifted, and they were in the areas that most interested me: math, physics and biology. Yet the rest of the curriculum was almost numbingly *un*inspiring. I did not miss a single math or science class. But otherwise, I began setting my own schedule. Some days, I would sleep late, or not go at all. When I did go, I'd often show up without having done the homework. Neither Ido nor Moshe was with me at Rupin. They were starting their military service. But I assembled a new band of mischief-makers, and it was not hard to entice them to go AWOL.

I was warned several times by the school administrator. He said he could not accommodate a student who seemed oblivious to, or dismissive of, the rules. He

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was especially upset because my attitude seemed to be infecting others. A few months into the school year, he told the leaders of Mishmar Hasharon, and then my parents, that I would have to leave. My father was especially upset. A couple of years earlier, he'd had visions of my staying on in the regional high school and going to university. Now, I'd been unable to hold my own in Rupin. Still, both he and my mother were relieved when Mishmar Hasharon and the school worked out a compromise which did not end my studies altogether. The expulsion stood, but I was allowed to continue attending math and science classes.

For my mother, the blow was softened by the fact I began working almost full-time on the kibbutz, alongside Yigal, driving a tractor. I woke up early and accompanied him into the fields of wheat, barley or rye. We also made a series of trips 130 miles south into the Negev to a moshav called Patish. It had been set up by newly arrived Moroccan Jews. Since they didn't have the equipment or know-how to cultivate all their fields, they were renting out some of the land. Mishmar Hasharon had contracted to farm a parcel of 450 acres.

For ten days at a time, Yigal and I would place a tractor on the back of a pickup and head to Patish. We worked from four in the morning until sundown. After work, we ate at a tiny family-run restaurant a few miles away in Ofakim, a so-called "development town" populated by Moroccan Jews who had been moved there as soon as they arrived in Israel. Far from regretting not being in school, I drew satisfaction, and pride, from knowing that I was functioning as an independent adult. But it also gave me time to think. My whole life had been circumscribed by the struggle to create and secure the state. But I again found myself pondering issues of basic fairness in our young country, and the challenge of reconciling our words and principles with our deeds amid the difficult *realities* of building the state.

Back on the kibbutz, it was the example of the kindly and hard-working Baddura which had caused me to question how we were treating the Jews who had arrived from Yemen. In the Negev, I met members of the even larger post-war influx from Morocco. One image struck me above all. It was from the place Yigal and I ate dinner. Ofakim was a development town that had yet to develop. It had no visible means of support, and there was no sign the government was doing much to remedy that or integrate the new immigrants economically and socially. The "restaurant" was a side business a family had set up in the dining room of their tiny home. The sixth or seventh time we went there, I was startled by sudden movement a couple of feet away from where we were sitting.

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Looking more closely, I saw a wooden box, the kind we used in Mishmar Hasharon to crate oranges. It was filled with hay. At first, I thought the stirring inside was a family pet. Then, I saw it was a baby. I said nothing until we had left. "Was that really a child?" I asked Yigal. "A *baby*?" He replied, with a tinge of sadness but also a look that seemed to convey surprise at my naivety: "Yes. They don't have room for him."

* * *

My evolving feelings about the Arabs, the other people with dreams of what they still saw as Palestine, would become more complex as my childhood drew to an end. As mentioned, I barely registered the fate of the absent villagers of Wadi Khawaret.

And yet as I got older – in my teens – I came to understand *why* the Palestinians were fighting us. Before the 1956 war, Dayan gave a brief speech that had a powerful impact on me. It was a eulogy, but it was for someone Dayan didn't know personally. His intended audience was the rest of the country. He spoke in Nahal Oz, a kibbutz on the border with Gaza often targeted by fedayeen. In April 1956, a group of Arabs crossed from Gaza and began cutting down the wheat in Nahal Oz's fields. The kibbutz security officer, a 21-year-old named Roi Rotberg, rode out on horseback to chase them away. The intruders opened fire as soon as he got close. They beat him, shot him dead and took the body back over the armistice line. The corpse was returned, mutilated, after an Israeli protest through the UN.

With Israeli newspapers full of agonized accounts of what had happened, Dayan's message was that we should not blame the *Arabs* for Roi Rotberg's death. We should look at ourselves, and the neighborhood in which we lived. "Why should we talk about their burning hatred for us?" he asked. "For eight years, they have been sitting in the refugee camps of Gaza, while before their eyes we have been transforming the lands and the villages where they and their fathers dwelt." Of course, they hated us and the state we were building. Rotberg had allowed his "yearning for peace to deafen his ears, and he did not hear the voice of murder waiting in ambush." Dayan said the danger was that other Israelis had become similarly naive. "How did we shut our eyes, and refuse to see, in all its brutality, the destiny of our generation?" A generation which was

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settling the land but which, "without the steel helmet and the barrel of the gun, will not succeed in planting a tree or building a home."

Still, if I was part of a generation that understood the need for military preparedness, strength and a readiness to fight if we were to survive in the Middle East, the 1956 war also brought home to me the need to consider *how* we fought. This meant grappling with a contradiction wired into Zionism from the start: the need to take up arms to defend our state, while recognizing the Jewish moral code that was its foundation. When the Israeli armed forces were established in 1948, Tzahal's doctrine included the principle of *tohar haneshek* – "purity of arms" – and an explicit requirement for our soldiers to use the minimum necessary force and do all they could to avoid civilian casualties. Putting "purity of arms" into practice was always going to be hard. All arms kill. In all wars, civilians die. But that did not make the principle, or the need to be aware of it in combat, any less important.

Even if the soldier called on the make that judgment was someone who had mentored me from the time I was six, and whose military prowess I had come to respect. Even if it was Yigal Garber. His parachute jump on the first day of the 1956 war went smoothly. But the battle for control of the Mitla Pass turned out to be the most deadly of the war. It was also unnecessary. Under Israel's pre-war choreography with the British and French, the very fact of our landing near the Mitla Pass was to be the trigger for an Anglo-French attack. In fact, Arik Sharon, the commander of Battalion 890, received orders from Tel Aviv *not* to take the pass. Only grudgingly, did they let him send in a reconnaissance force to establish whether it was safe to cross.

The reconnaissance company walked into a trap. Machine-gun and mortar fire rained down from Egyptian troops dug into the caves and other natural defensive positions above the pass. It took hours to extricate the stranded men. Yigal's unit fought its way in from the eastern side of the pass. A small group from the reconnaissance force managed to get a foothold on the western side. Almost 250 Egyptians were killed. But 38 Israeli paratroopers also died, the largest single toll in any battle since 1948. Battered and bitter, the surviving men from the reconnaissance force parachuted into the southernmost part of the Sinai, near Et-Tur on the Red Sea. Yigal and the others headed overground to join up with them. By the time they got there, Egyptian resistance had all but ended. Yigal's company had a brief exchange of fire with several dozen hold-outs in the Egyptian force. The Egyptians surrendered. And then, apparently, Yigal and his fellow paratroopers shot all of them dead.

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At least those were the rumors after the war. I asked friends what they were hearing. I asked some of the older men on the kibbutz, my father included. All of them responded with a slightly different version of events. But I knew what I *wasn't* hearing. No one of them told me it was a lie. When I asked Yigal, he averted my glance, and then changed the subject. I knew it was true, at least broadly.

I realized that, before it happened, Yigal and the others had seen dozens of friends gunned down in an Egyptian ambush in the Mitla Pass. But I didn't need a lesson *tohar haneshek* to know that the killing of captured Egyptian soldiers should not have happened. Or that it was plainly, simply wrong.

When Yigal and I made our final trip to Patish in 1959, I knew it would be pointless to ask him about it. Whatever he said wouldn't change anything. I still respected his courage and his fighting spirit, and the part he'd played in defending Israel. I appreciated what he'd done for me as I grew up. But what mattered now wasn't what Yigal had done. It was what I would do, and how I would live my life.

Especially since I, too, was about to begin my army service.

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Chapter Three

I reported for induction on the second Sunday of November 1959, three months short of my eighteenth birthday. Military service was a near-universal rite of passage for Israeli teenagers. For children of the kibbutz, it held even greater significance. Now that we had a country, the kibbutzniks' role as the avant-garde in taming and farming the land had ceased to be relevant. But the sense of mission we'd been raised with – what we were led to believe set us apart from the mere "city-dwellers" – drove us to aspire, maybe even assume, we would leave an imprint in other spheres of the new state's life. I doubt it's an accident that nearly every one of the boys with whom I grew up in Mishmar Hasharon went on to become an officer during his time in the military.

Judging from my own first few weeks in uniform, however, there was every reason to believe I would end up as an unfortunate, undistinguished exception.

This was not due to lack of ambition. In fact, I thought at first of joining the air force. But a question on the application form asked whether I ever suffered from any breathing discomfort. Like almost everyone on the kibbutz, I did get a bit clogged up when the weather turned cold and damp. So I naively answered yes, ending any chance of training as a pilot. My fallback choice was a tank unit. But when I joined the hundreds of other draftees at the processing center near Tel Aviv, about a hundred of us were shunted, by alphabetical lottery, into training for armored personnel carriers instead. Known as battle taxis, the APCs which Israel had at the time were lumbering, World War Two-vintage halftracks.

Our training battalion was based, alongside the country's main armored brigade, in a huge, hillside army camp outside Beersheva in the Negev. I knew that our *tironut* – basic training – would be tough. That was the whole point. But we endured a seemingly endless array of inspections, under the watchful eye of a corporal who meted out punishments for the tiniest scuff on a boot, a belt, or a rifle. The rest of the time was spent in physical training, which I found especially hard, at least at the beginning. I still weighed barely 130 pounds, and by no means all, or even most, of it was muscle. My military career, such as it was, looked very likely to involve spending my required couple of years baking inside an APC in the Negev before moving on to something more useful, and certainly more fulfilling, with the rest of my life.

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But a series of accidents, in Israel's life and in mine, would soon point me in a dramatically different direction. The first became known as the Rotem Crisis, and it delivered a jolting reminder of Israel's vulnerability to a surprise attack from neighboring Arab states. Militarily, we were far stronger than in 1948. But we were still a young country, at an early stage in our economic development. Our defense strategy rested on a recognition we could not afford to sustain a large standing army, relying instead on a pool of trained reservists. The problem was that a full call-up of the reserves would require something like 48 hours. That meant some form of early warning was critical.

Rotem erupted in February 1960, about halfway through my *tironut*, and began almost farcically. The Chief of Military Intelligence, Chaim Herzog, was at a diplomatic receiption in Tel Aviv when he began chatting with a guest he knew well: the head of the local CIA station. What, the American asked, did he make of the fact that Egypt had moved its two main armored divisions into the Sinai, toward the border with Israel? Herzog came up with a suitably woolly reply, about how it was obviously a situation which bore watching. But the truth was that neither he nor anyone else in Israel had any idea about the Egyptian mobilization. He left the party as soon as he could, to tell Dayan and Ben-Gurion. When a reconnaissance flight the next day confirmed that dozens of battle-ready tanks had been rolled forward toward the Suez Canal, Ben-Gurion and the generals scrambled for a response.

They did not want a war. Ben-Gurion was particularly worried that in responding to Nasser's buildup, he might inadvertently escalate things further. He vetoed the idea of a full mobilization. But he did order a more limited call-up, of about 7,000 reservists. He placed the air force on alert. He directed the four brigades responsible for the defense of southern Israel, including our armored brigade near Beersheva, to move within a few miles of the border – and gave us the additional role of sending several overnight munitions convoys to equip the hastily assembled border force.

The first sign I saw that anything extraordinary was going on was the sudden movement of tanks and APCs inside our camp. At first, no one told us raw recruits anything. We were left to look on, and stay out of the way. But with our operational units preparing to move forward, the problem was that there seemed no one else with the expertise, experience and local knowledge to lead the supply columns. So our training battalion was summoned before the platoon commander. "Any volunteers," he asked. When none of us raised a hand, he said: "Come on. One of you must have grown up around here. That means the

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first 25 miles will be familiar territory." He left unspoken the obvious postscript: the need to negotiate the final five to ten miles, through open desert, and to find the right area, on our side of a border that wasn't even marked. "Can't *any* of you," he barked, "lead a convoy of a few dozen trucks?"

I'm not sure what possessed me. But I thought to myself: yes, I probably can. I had been scouting and navigating in one way or another since those first evenings with Yigal in the kibbutz orchards. I'd trained with *Gadna Sayerim*. And while I'd never lived in the south, the farm settlement of Patish, where I'd worked along with Yigal after getting kicked out of high school, was not far from the route the conveys would have to take.

So I raised my hand.

"Can you lead a convoy?" he asked.

"Yes, sir," I said. "Of course, I'll need a map. And a compass."

"Why do you think you're qualified?" he prodded. I'd been in *Gadna Sayerim*, I said. I was good with maps. "Okay," he replied, and he sent me, along with two of the company's junior officers, to the battalion commander.

Someone must have phoned ahead, because he was clearly expecting us. Still, I could see the surprise in his eyes when he looked at me: only just eighteen, but looking closer to 15, my uniform sagging on my slender frame. He gazedat the officers, then back at me, then at the officers again, as if trying to figure out whether he was about to approve something utterly crazy. But he had little choice. Three convoys had to be dispatched within the next couple of hours. So far, with me, he had a sum total of one guy to lead them. "Fine," he said, and waved us out.

The column consisted of eight huge, American-made six-wheelers, each packed with ten tons of munitions and other supplies. I was in the lead truck. The driver was a reservist in his mid-30s. So were most of the men in the rest of the transport trucks, one driver and one soldier in each. A staff sergeant, in the second vehicle, was in theoretical command. But, surreal though it felt, I was actually in charge, since I was the only person who might, conceivably, get us to the right place.

The platoon commander was right. The first part, on paved roads, was fairly easy. But just before sunset, we reached open desert, the beginning of more than three hours of picking and weaving, calibrating and recalibrating, our way across a wide expanse on sand and occasional scrub bushes that, every mile or

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so, would suddenly give way to a windswept series of dunes and wadis. The map and compass helped. But I soon realized that it was almost impossible to get an accurate reading from inside the truck. Every few minutes, I waved the convoy to stop, got out, and walked fifty or sixty yards into the sand and clumps of acacia trees and calibrated our progress from there. My fallback was the stars. From them, I could at least make sure we were headed in broadly the right direction. But the need to navigate around the dunes meant we were never moving in a perfectly straight line. The miles ticking by on the truck's odometer couldn't tell me exactly how far we'd travelled. A couple of times, I realized we were wandering off line – not by a much, but enough to risk leaving us either a mile or two south of where we were supposed to go or, worse, on the Egyptian side of an unmarked desert frontier that, especially at night, would look pretty much the same on either side.

Finally, a few hours before dawn, I brought the convoy to a halt. I climbed out, walked back to the staff sergeant and told him, with more confidence than I felt: "We're here." I had no way of knowing for sure. But I felt we were generally in the right place. Before we'd set off, I was briefed by the officer in charge of one of the operational APC battalions. He had been to the area before, on training exercises. Because of the emergency call-up, he was too senior to lead a supply convoy. But he told me that once we got there, we should stop and wait. He would follow our tracks the next morning and link up with us. An hour after sunrise, we saw his jeep bobbing over the sand towards us. He pulled to a stop, shook hands with the staff sergeant, and then he turned to me. "Unbelievable," he said. "We're where we need to be."

Our role in the grand scheme of things, and certainly mine, was hardly decisive. But the rest of the border mobilization also went to plan. That, along with some frantic diplomatic activity and a healthy common sense on all sides, ensured that a new war with Egypt was averted – at least for a further half-dozen years, until 1967. By then, the lesson of Rotem would be learned: our need to find a realiable way to tap into the battle plans of the hostile Arab states around us. And through another wholly unexpected turn of events starting just a few weeks after the Rotem Crisis, I would turn out to play a personal role in making that happen.

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Under army regulations, training recruits got a five-day leave every few months during *tironut*. My first one came a bit later than usual, due to Rotem. But in April 1960, shortly before the Passover holiday, I headed back to Mishmar Hasharon. Despite my minor triumph of desert navigation, I still had every reason to believe I'd be spending the next couple of years in an APC unit in the Negev, and can't pretend I was looking forward to it. Still, the idea of returning home in my army uniform, at least a bit stronger and bulkier than before, did give me a sense of pride.

It was on my third day back, when I was in the dining hall with a half-dozen schoolmates-turned-soldiers, that Avraham Ramon sat down and joined us. He was a *yeled chutz*, one of the "boys from outside" who had joined our class when we were taken out of the regional high school. He, too, was now in the army. As we were finishing lunch, he asked me: "How's *tironut*?"

"Tough," I said. "Boring."

Smiling, he said: "How would you feel about joining a *sayeret*?"

The question took me by surprise. In Hebrew, *sayeret* meant "reconnaissance unit". It was the name given to special units that carried out missions behind enemy lines, or under particularly exacting conditions. In the early 1960s, there were only two of note. One was *Sayeret Golani*, attached to the Golani Brigade near the northern border. The truly elite one was *Sayeret Tzanhanim*, the paratroopers' sayeret. It had been built from Company A of Battalion 890, where Yigal had served in the 1950s.

"Which *sayeret*?" I asked.

"It's called *Sayeret Matkal*," he replied.

I'd never heard of it. When I asked what it did, he said: "I'm not allowed to say. But are you interested?" The air of mystery made it seem only more enticing. And no matter what it did, it had to be a step up from what lay ahead of me in the Negev. "Yeah. Sure," I replied.

I heard nothing further in the days after I got back to Beersheva. But at the end of the month, I was ordered to report to a small hut in an army base near Tel Aviv. It belonged to *Maka Esser*, the personnel department of military intelligence. I was greeted by two men in their late 20s. One of them, shorter even than me, introduced himself as Sami Nachmias. The other was tall and slim and said in a surprisingly quiet voice: "I'm Shmil Ben-Zvi." They were two names which I, like most Israeli teenagers at the time, knew well. Ben-Zvi

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had been an officer in Arik Sharon's original Unit 101, and Nachmias was one of the earliest recruits to Company A. They shook my hand and motioned me into a Jeep. As we drove out of the base, they peppered me with questions about almost anything except the army: the kibbutz, school, sports. Then, Ben-Zvi pulled the Jeep to the side of the road, turned around to face me and asked: "Is it true you can pick locks?"

Yes, I said. "Do you want me to show you?" He said that wouldn't be necessary.

"Is it true you can navigate? Read maps?" Nachmias asked. I said yes.

They drove me back to the base in silence. "OK," Nachmias said. "You'll probably hear from us."

I didn't. But as basic training was winding down, I got a further order: to report to an address in Tzahala, a neighborhood in north Tel Aviv where a lot of military officers lived. It was a small house with a metal gate outside. I was met at the door by a man about 30 in shorts and a T-shirt who introduced himself as Avraham Arnan. He led me inside. He unfurled a map of Jerusalem and the surrounding hills. He pointed to a spot on the southwest of the city. He drew a wide, curving line through the hills to a second point. "You know how to read a map?" he asked. When I nodded, he said: "I want you to describe to me – just as if you were walking on this line – exactly what you see, as you make your way to the place I marked." I used the elevation lines on the map as a guide, and the positioning of the hills and woodland and villages on the map, and began describing how each stage would look. When I was finished, his only response was the hint of a smile. When he spoke, it wasn't about the map. It was, again, about picking locks. "How did you learn?" he asked. I explained how I'd cut into the locks, figured out how they worked and made a set of tools to open them. "Thank you," he said. "You can return to your unit."

Though he hadn't said so, I got a feeling this was the Sayeret Matkal equivalent of a final job interview. When I got back to Beersheva, I dug around as discreetly as possible for details about Avraham Arnan. I learned he had served in 1948 in the hills around Jerusalem, so he would have known first-hand the terrain he asked me to describe. That, I guessed, explained the half-smile. But I was entering my last week of *tironut*. I still had no idea whether I'd be spending the next couple of years inside an APC – or in a sayeret whose function was a mystery, beyond the fact it seemed less interested in whether my boots were shined than whether I could pick a lock.

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The day before the end of basic training, I was told to return to *Maka Esser*. A Jeep was waiting. A soldier was at the wheel. He mumbled hello and drove me to a sprawling military base about 15 minutes away, not too far from the international airport in Lod. It was built by the British in the Second World War for the RAF. After 1948, the main part had been converted into Israel's officer-training school. But at the far end, set back from a criss-cross of runways, was a pair of domed concrete shelters which had been used by the British for munitions storage. Five tents. Two field toilets. And a single-story brick structure with a tin roof. It contained offices for Avraham Arnan, a couple of other officers and a secretary, a kitchenette and a room for storing weapons. This was the home of Sayeret Matkal, although the first thing I was told was that no one, outside a handful of senior officers in military headquarters, knew we existed.

* * *

The heart and soul of Sayeret Matkal was Avraham Arnan. Even from my brief first encounter with him in his living room in Tzahala, I was struck by his physical presence, with almost movie-star looks and a face made even more intriguing by the fact he had different-colored eyes, one brown and one a piercing green. But what really set him apart, as I got to know him and come under his spell in the sayeret, was his playful, almost bohemian disregard for the normal strictures and structures, rules and regulations, of the armed forces. What mattered to him was what actually needed to get done, and how best to accomplish it despite all the bureaucratic obstacles, and he made me and his other teenage recruits feel we were equal partners with him in getting there.

Years later, he confided that if his life had not led him into the military, he would have probably chosen something in the arts or culture, maybe directing films. But he had volunteered for the Haganah at age 17, a year before the 1948 war. As the losses mounted in Jerusalem, he found himself in the Palmach's crack Harel Brigade, under the command of a future Israeli chief-of-staff, Dado Elazar.

His vision for Sayeret Matkal became Israel's answer to the dangers identified by Rotem. But it had its origins in his experiences in the years after 1948, when he joined a military intelligence group running a loose network of Arab agents across Israel's northern border. They provided occasional bits of

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information. But in talking with his wartime friends, he realized this kind of low-level intelligence could never address the *real* need for Israel: to ensure we had early warning if Syria or Lebanon, Jordan or Egypt, were preparing to go to war against us.

He began toying with the idea of training a small force of Israeli soldiers to go on cross-border intelligence missions. The initial response from the *kirya* – military headquarters in Tel Aviv – was so frustrating that anyone else would have given up. None of the generals saw any reason to believe his scheme would work. But the real obstacle was their continuing trauma over what had happened the last time Israeli soldiers crossed the border on an intelligence mission. It had happened in 1954, and it ended in a failure even more serious than Rotem. The target was the Golan Heights, inside Syria. The special technology unit attached to military intelligence had developed a bugging device designed to be placed on a telephone pole on the Golan. The task of installing it was given to the most decorated, and respected, commando unit in the army: Company A in Sharon's paratroop battalion, led by its commander, Meir Har-Zion.

On a spring night in 1954, Har-Zion led his team onto the Golan. They rigged the bugging unit to the telephone pole, buried the bulky transmitter and made their way back. And it worked. Israeli intelligence could listen in to military communications on the Heights. The hitch as that the batteries had to be replaced every few weeks. Several more times, Meir and his men sneaked back into Syria to keep the bug working. But as commander of Company A, Meir was a key part of Israel's anti-fedayeen operations. The last thing Moshe Dayan wanted to risk was seeing him captured while trying to replace a few batteries. So he shifted the task to a regular unit from the Golani Brigade.

In December 1954, a handover mission was organized. Three men from Company A, including one of Meir's sergeants, joined three from the Golani Brigade. But they didn't even hold a joint exercise before setting off. There was also a lack of clarity about who was in charge. Though the Golani commander was nominally the senior officer, only the Company A men had any first-hand experience of this kind of mission. A half-mile onto the Heights, they were intercepted by a Syrian soldiers. If this had been a Company A operation, the response would have been automatic. They would have wheeled, opened fire and attacked. But when the Syrians ordered the Golanis to drop their weapons, one of them did, and the Company A men followed suit. They were all taken to Damascus, held in solitary confinement, beaten and tortured.

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One of the captured Golani soldiers was a 19-year-old named Uri Ilan, the son of a member of the Israeli Knesset whom Ben-Gurion and the whole of the government knew well. The soldiers' captivity dragged on until they were finally returned to Israel in March 1956. By then, however, Uri Ilan had hanged himself. He managed to hide a note into his uniform. It was found when the body was being prepared for burial. It read: *Lo bagadeti. Nekamah.* "I did not betray anything. Revenge."

Ever since the Uri Ilan mission, there had been a *de facto* ban on cross-border intelligence operations by Israeli soldiers. Ben-Gurion and his military commanders knew, of course, the importance of getting early warning of an enemy attack. But they decided the price of possible failure was simply too high.

Sayeret Matkal was born three years later. Avraham was still part of the unit running low-level agents in Syria and Lebanon, but his commander reluctantly agreed to allow him to set up his new intelligence group. His initial "headquarters" was a sparsely furnished Tel Aviv apartment. The first people he brought in were veterans of the Palmach's Arab Platoon, pre-state fighters who trained themselves to pass as Arabs and gather intelligence, or stage raids, behind enemy lines. Next, he invited friends who had served in Unit 101 and Company A. Finally, he enlisted a core of them to help train recruits to his new sayeret. He hoped the involvement of these commando veterans would also give the unit credibility inside the *kirya*. One of them, Micha Kapusta, had been part of 101, as had Itzhak Gibli, who had been a teenage Palmachnik in 1948. A third was another Company A officer named Aharon Eshel, known as Errol, in part for his undeniably Errol Flynn-like swagger, but also an acronym of his Hebrew name. But the crowing addition to the group had the distinction of having led the last *successful* Israeli bugging mission on the Golan, in addition to being the most respected commando in Israel, a man who Dayan would later call the country's greatest soldier. It was Meir Har-Zion himself.

* * *

I was part of the second group of recruits to Sayeret Matkal, in the early summer of 1960. The unit had been given its own base barely a year earlier. Bu it had yet to carry out a single mission, and there was no sign of that happening. Avraham couldn't be sure when, or if, the generals in the *kirya* might give him

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the go-ahead. Still, he was convinced that if we could demonstrate a toughness, commitment and competence which offered an obvious addition to Israel's intelligence capability, even they would recognize the folly of not using it.

He made every one of us feel a part of making this possible. I was one of ten new recruits, bringing the size of the sayeret to twenty. We were almost all teenagers. In fact, the oldest of our officers was 21. Most of the men were Sephardi Jews. For a unit like ours, with the aim of undertaking secret missions in Arab countries, Avraham believed that a background in Arabic culture and language was an important asset. I was the sayeret's only lock-picker. But all of us had been recruited in the much same way that I was. It was how the top Palmach units had been formed, and the way Sharon assembled Unit 101: friends recommending friends, in my case, my old *yeled chutz* schoolmate from the kibbutz.

We trained in the whole range of commando skills. We used not only Uzis, but Soviet-made Kalashnikovs and Gurionov machine guns. We worked with detonators and explosives. We staged raids on Israeli airfields. We conducted exercises using rubber dinghies to practice attacking from the sea. But mostly we *walked*. For hundreds of miles, almost always at night the length and breadth of the country. We would study a map of each area, committing every town or village, hilltop or dry creek bed, to memory before we set off. I can still remember what Meir Har-Zion told us: to be truly prepared, you needed to spend "an hour for an hour" – an equal time mastering the lay of the land to the amount you'd need to carry out an operation. It was a gruelling regime – designed to push us to the very limits of endurance. On one series of exercises, we were limited to a single canteen of water as we trekked deep into the Negev Desert. It was gruelling, designed to push us to the very limits of endurance. I remember the first time Errol set eyes on me after I joined the unit. He turned to Avraham, laughed, and said: "Are we taking high school kids now?" But before long, I was a "high school kid" no longer.

Meir Har-Zion rarely took a direct part in our exercises. On his final Company A mission, a month before the 1956 war, he had been shot in his throat and arm. A medic saved his life by performing a tracheotomy. But his speech was affected, and he still had almost no use of his right arm. Errol, Micha Kapusta and Yitzhak Gibli were more actively involved with us. They were there not only to help train us, but to instill a commando *attitude*, a spirit of confidence bordering on bravado.

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Kapusta was our guide on our punishing five-day treks through the Negev. Though Avraham would see us off at the start, he stayed back at the base. In a couple of the exercises, we relied on carrier pigeons to keep in touch with the base, until Kapusta began killing them for dinner. Once, on a searingly hot desert afternoon, hours from the nearest hospital, he spotted a poisonous snake. He used pieces of wood to pry its head up from the sand, grabbed its neck and strangled it.

We also studied some Arabic, though most of the Sephardi recruits already spoke the language. My tutor was a Cairo-born Jew named Amin. In part because he enjoyed mathematics and played the violin, we hit it off immediately. He was also deaf in one ear. Languages have never been my forte. Even in Hebrew, I have a slight lisp. That made mastering Arabic even harder. Still, Amin would frequently compliment me on my accent, at which point the others in the class would point out that I was lucky he was hard of hearing.

A year in, we were given a classroom briefing on what to do if we fell into enemy hands. The gist was to tell them only our name, rank and serial number. But we had a special session with Gibli, who told us about what captivity was really like. He had been shot and wounded during a retaliation operation in 1954 and was captured by the Jordanians. Until his release, he was kept in solitary confinement and tortured. The details of his imprisonment, the beatings and the cigarette burns, were lurid. Partly because we were developing a bit of commando self-confidence – but mostly to hide the discomfort of wondering how each of us would react to being in enemy hands – we heckled him over an account that seemed to get more heroic with each retelling. He wisely ignored us. He told us that survival would be down not just to physical strength. It required strength of mind, the kind of subtlety required to give your captors something to keep them at bay and to establish some form of human bond, to but withhold anything of genuine value.

A few weeks later, the whole sayeret held a four-day exercise in the Galilee. On the second night, at about four in the morning, we shook off our backpacks and settled in for a few hours' sleep. The first thing I heard was shouting in Arabic. I saw a guy hovering over me, his face covered. He handcuffed me, pulled a burlap sack over my head, yanked me to me feet and led me off. We were piled into the back of a truck. From the whispered comments around me, I assumed all twenty of us had been taken. We drove for nearly four hours. Twice, I got an slap across the face, more painful because of the burlap. I kept

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telling myself this *had* to be part of our training. If it was for real, we'd have been more badly beaten, or killed. Still, I couldn't be completely sure.

The truck lurched to a stop. We were led into a building, down a hallway and into a large room. The walls were bare except for a series of iron rings. Our captors tore the sacks from our heads for a few moments, and tied our wrists to the manacles. For the first six or seven hours we were kept together, arms shackled and raised. Then they took us away one by one. I was the last to be led out. I was taken to a room so small there was not even space for a cot. It wasn't until the last shaft of light disappeared from the slit-like window near the top of wall that the first interrogator showed up. He unlocked the door, entered and unfolded a metal chair. He wanted answers: what unit was I from, what did our unit do, who were our commanders, what were our orders, and what was our designated role in the event of war.

I told him my name, rank and serial number. After each question, I repeated them, or shook my head in silence. "You *will* answer, sooner or later," he shouted in heavily Arabic-accented Hebrew, hitting me across the face. "All of you will." For four days and nights, other interrogators shouted out the same questions. I was slapped dozens of times. Punched in the stomach. One of the captors uncuffed me and bent my arm behind my back, wrenching it upward. Though I was determined not to cry out, I grunted in pain. Over and over, I told myself: "This is *not* for real. They can hurt me. But they have limits. They can twist my arm. They can hurt me. But there's no way they can *break* my arm."

I was not allowed to sleep. I was never left alone for more than a half-hour. If I was crouching on the stone floor, I would be yanked to my feet and punched or slapped. Twice a day, I was taken from my cell to a primitive toilet and given a minute to relieve myself. There were only two changes to the routine. On a few occasions, five or six of us were brought back into the large room and told we wouldn't be let go until we had given them *more* of what they wanted – the implication being that some of us had already talked. And once or twice, the interrogators sent in a good cop. "I can *help* you," he told me. "But you have to give me *something*."

But when it was over, none of us had talked. We didn't fool ourselves into thinking that meant we could hold up in genuine captivity. There, they *could* break your arm. They could burn your chest with cigarettes, rip out a fingernail or a tooth. They could kill you. The main value had been to give us some sense of what we might face. We might still be afraid, but at least it would no longer be fear of the unknown.

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Challenging though our training was, I found every bit of it enthralling and, with each new test passed, somehow empowering and exhilirating. This was all the more remarkable because we had still yet to carry out a single operation. If anyone other than Avraham had been in charge, I think the unit might have unraveled. The fact that it didn't was mostly due to of the *ethos* he created, the feeling that we were a special breed with a critically important common purpose, and that sooner or later we would be called on to do special things. When we were in uniform, it was camouflage dress. When we were on the base, we mostly wore sandals and shorts. We called each other by our first names, even the officers.

In its first few years, the sayeret sometimes felt less like an army unit than a college fraternity. Every spring, we organized a feast in a cavernous hangar on the edge of our compound. It was called *Chag ha Pri*, the Feast of the Fruit. For days ahead of the event, we would mount night raids on kibbutzim, "liberating" crates of every kind of fruit imaginable, and chicken and lamb if we got lucky. The only rule was that none of us would steal from our own kibbutzim. Among the guests at the Feast of the Fruit was an unsuspecting selection of senior officers whom Avraham knew. A few of them got into the spirit, like Dado Elazar, his Palmach commander from 1948. The Palmach had held similar foodfests, with delicacies grabbed from nearby kibbutzim. Dado was by this time commander of Israel's armored corps. Since our sayeret was always short of gasoline for our exercises, he would divert surplus supplies to us. But other guests were less impressed with the pyramids of oranges and avocados and mangoes and watermelons. I could almost hear a voice screaming inside them: these are *Israeli soldiers*. They're *stealing* this stuff.

* * *

It was not until the autumn of 1961, nearly eighteen months after I arrived, that it seemed we might actually be given a real mission. This was largely due to a change at the top of the military. For much of the 1950s, when Dayan was chief-of-staff, his right-hand-man was a Haganah veteran named Meir Amit. In 1961, the term of Dayan's successor as chief of staff, Haim Laskov, was coming to an end and Amit was in the mix to get the top job. He was already Head of Operations. In practical terms, that made him the number-two man in the armed forces. But the job went to Tzvi Tzur, Laskov's deputy. Amit decided to accept

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the post of Head of Military Intelligence. He knew the importance of intelligence, and the potential cost of Israel being taken by surprise in a future war, having been part of the top military leadership during Rotem. He was energetic, bright, and exuded an infectious sense of self-confidence and authority. He also had clout at headquarters. If *he* decided the time had come to revive cross-border intelligence operations, there was every chance it would happen.

Still, it was an agonizingly slow process. By the time my period of military service was drawing to an end, it hadn't happened. I did not seriously think of leaving. Though my two years in Sayeret Matkal had been the most physically demanding of my life, they were also the most fulfilling. I did not want to forfeit the chance of being part of its finally becoming an operational unit. So I committed to at least a few more years in the military. I joined my closest friend among the recruits, Uri Zakay, for six months in officers' school as we waited, or hoped, for approval to actually use the skills and qualities we had acquired in the sayeret.

And in the summer of 1962, shortly after I returned to the unit from officers' school as a second-lieutenant, the green light finally came.

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Chapter Four

At first, it was only "approval in principle". It's impossible to overstate the trepidation with which Israel's military brass, and Ben-Gurion himself, approached the decision finally to send Sayeret Matkal into action. It was not just the fact that we were a unit uttterly untested in the field. The stakes in the mission we were contemplating were enormous. For the first time since Uri Ilan's deseperate act of suicide in a Damascus jail cell, Israeli soldiers would be crossing into Arab territory on an intelligence mission. Amid continuing tensions with the increasingly militant rulers of Egypt and Syria, there seemed little doubt that at some stage we would again have to fight to defend our security, perhaps even our existence as a state. The Rotem debacle had highlighted the danger of a surprise attack, potentially leaving us in a scramble to call up reserve units as Syrian or Egyptian tanks advanced on our borders. But the memory of Uri Ilan remained a haunting reminder of the risks of failure.

My role, again, came down partly to accident. The man initially chosen to lead the operation was someone I'd liked from my first days in the sayeret. Ya'akov Tal, known as Tubul, was a year older than me. He came from Tiberias in the north of Israel. As a teenager, he'd worked for extra pocket money alongside shepherds in the hills above the Sea of Galilee, picking up a near-fluent command of Arabic. He was self-confident without a trace of arrogance, with a natural talent for connecting with his soldiers. In my case, there was a further bond: a shared fascination with math and sciences.

But Tubul had applied to the leading technology institute in Israel, the Technion near Haifa. As he began training his four-man team to cross onto Syria's Golan Heights, he received word that he'd been accepted. The academic year wouldn't begin until September, and it had been assumed at first that the operation would happen before then. But even though Meir Amit was pressing the rest of the military brass for a final go-ahead, it still hadn't arrived by early August. Avraham decided he needed a fall-back plan. He called Tubul and me into his office. He said he wanted me to join the team's training as Tubul's deputy, and to be ready to step in as commander if that proved necessary. When we next heard from Amit, a week later, it became clear the mission would not happen in time for Tubul to lead it.

We would be setting out from the northeast corner of Israel, a patch of parkland near a kibbutz called Dan, only a mile or so from where Uri Ilan's group had begun its mission. This time, however, the target was more

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ambitious. We intended to bug the communications line running east from Banias, the Syrians' base in the north of the Golan, toward Quneitra, their main headquarters. That meant taking a longer route, beginning with a climb onto a plateau about 200 feet high and crossing the Banias River toward the Syrian base.

We had nearly three weeks for our final preparations. After two years of sayeret training, I was confident that, physically, we would be up to the task. But even without the obvious jitters emanating from the *kirya*, I could not help but be aware of the possibility, and the cost, of failure. Every evening, I would stake out time to go through everything that might conceivably go wrong. Years later, when I went to do my graduate studies at Stanford, I was exposed to words of wisdom from a non-kibbutznik – Benjamin Franklin – which probably best summed up what drove my planning for the sayeret's first operation, and the others that would follow. "Failing to prepare," he wrote, "is to preparing for failure."

Running into Syrian soldiers was, of course, top of the list of potential pitfalls. But land mines were also a danger. I got a map of the area from military intelligence which, in theory at least, showed the location of mines all along the edge of the Golan. But it had been compiled over a period of nearly two decades on the basis of information from shepherds, smugglers and the occasional Arab agent. Whenever they reported seeing the telltale combination of fencing and yellow danger triangles, the place was marked. Once it was marked, no one in intelligence headquarters dared erase it. The result was that the map now showed an almost unbroken stretch of mines. And within the amount of time that we had to get ready, there was no way of knowing which of the minefields was still there.

The timing was chosen by the cycle of the moon. We wanted to cross into Syria in as near to total darkness as possible. That meant the final days of September. Unlike Tubul, who had been commanding the team from the moment they had joined the sayeret, I'd been working with them for only a couple of months. My deputy for the operation, Avi Telem, was also a newcomer. But he was smart, steady and he had served in the Golani Brigade, so he knew the terrain along the border.

Avraham could not hide his own nervousness as the operation drew nearer. A week before we were due to set off, he asked whether we were planning a further, full-scale exercise. When I said the final run-through was set for the following night, in the Negev, he told me he wanted Meir Har-Zion to attend.

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During the exercise, Meir said nothing at all. I couldn't help wondering whether, despite our nearly daily exercises, and my nightly stock-taking, I'd somehow missed an obvious detail in our planning. When we got back to the sayeret base, Avraham was waiting for us. "Well?" he asked Meir. "They don't need me," he said. "They know what they're doing." It was not just a source of reassurance for me, but a huge relief for Avraham.

The team I'd inherited from Tubul included three gifted soldiers with different backgrounds, and different skills. Motti Nagar was born in Cairo. He was short but solidly built, smart, level-headed and almost always smiling. Kuti Sharabi grew up in a Yemeni family in an impoverished neighborhood in Tel Aviv. He had a self-deprecating sense of humor, a quick mind and sometimes even quicker tongue, but an extraordinary ability to focus on the task at hand. The third member was a kibbutznik. His name was Moshe Elimelech. We called him Moshiko. Utterly self-contained, a man who spoke only when absolutely necessary, he also brought two different qualities to the mission. One was going to be indispensable: an almost squirrel-like ability to climb trees. Or telephone poles. The other, of which I was a bit more leery, was a total, deeply irrational, absence of fear.

Though none of us needed a further reminder of the weight being attached to our mission, the night before we headed north, Avraham got a call from the chief-of- staff's office. Tzvi Tzur wanted to see me the next morning for a personal briefing. I tried to get Avraham to say no. I pointed out that if we didn't get going by ten o'clock at the latest, we'd risk throwing everything off schedule. But "no" was not an option. After some further back-and-forth, it was agreed that I would meet the commander of Israel's armed forces at nine the next morning at a gas station north of Tel Aviv and join him for the 20-minute drive along the coastal road to a speaking engagement he had in Netanya.

I saw Avraham again before I set off. "We are beginning an extremely critical 24 hours for our unit, the intelligence corps, in fact for the armed forces as a whole," he told me. "I don't know what might happen. No one does. Just remember two things. First, out there, in the field, *you* are the *ramatkal"* – the chief of staff. He told me that only I and my team could judge and respond to what we encountered once the operation started. "And second, this mission *has to be accomplished*."

I left see the real *ramatkal*. Before we began the drive to Netanya, he asked me to unfold the map I'd brought with me and talk him through, step by step, how we planned to get onto the Golan, plant the bugging device, and get back

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again. The more I talked, however, the more I sensed that the details weren't what General Tzur really wanted to know. I think what he actually wanted to gauge was whether *I* felt confident. He wanted to reassure himself he wasn't taking any more than the obvious risks in sending us, in Uri Ilan's footsteps, back into Syria. Fortunately, he didn't ask whether I was sure we'd succeed. If he had, I would have said, yes, we were prepared. But there was no way we could be certain. Still, he must have got what he wanted. When we reached the edge of Netanya, he shook my hand, wished me luck and went on his way.

The rest of the team was waiting at the crossroads for me to join them. Two teams, in fact: mine, with whom I'd be crossing into Syria in less than 10 hours' time, and our hillutz, or back-up. A hillutz was always a part of sayeret operations. The back-up group would stay on the Israeli side of the border. If we got into trouble, they'd come in after us.

Even after my briefing for the chief of staff, we had one last stop to make on the way north. It was at the headquarters of the army's northern command. It was in a Tegart fortress, one of dozens built by the British around the country, with watchtowers on each corner of the outer walls. The northern commander was an equally forbidding figure. Avraham Yoffe had served in the British artillery in the Second World War and the Golani Brigade in 1948. He used to joke with other officers that while they looked like a bunch of kids, he was the only one with the true bearing of a general.

He must have been busy when we arrived, because we ended up hanging around in the courtyard for nearly 20 minutes. Just as I was beginning to worry that the timetable for what really mattered – our climb up onto the Golan – was being put at risk, I noticed that off to the side was a beautifully polished jeep. I assumed it belonged to General Yoffe, who was known to be an avid hunter and would later become the head of Israel's National Parks Authority. It had a padlocked metal grill on the back which held two jerrycans of gasoline. Yori Cohen, the commander of the back-up team, and I spotted the fuel containers at the same time. We couldn't help smiling. Yes, we were about to embark on an operation which, assuming we didn't fail, would finally give Israel real-time intelligence from across our border for the first time since the 1950s. But we were still Sayeret Matkal, still chronically short of gasoline for our field exercises. And I still hadn't forgotten how to pick a lock. As Yori stood guard, I broke into the grill and removed the jerrycans, one for each of us, and closed it again. Then, after briefing the general, we headed to our setting-off point. Yoffe himself left to join Avraham Arnan and Meir Amit's intelligence deputy,

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Ahraleh Yariv, in the command post for our mission, atop a hill on the Israeli side of the northern border.

The sun set at around seven, but we waited for darkness. It was nearly eight when we set out. Twenty minutes later, we crossed the border. I led the way, with Motti Nagar, Moshiko, Kuti Sharabi and, finally, Avi Telem behind. We carried the bugging equipment and our tools in our backpacks. Avi and I had a pair of binoculars. Mine were bulkier, but offered a slightly better view in the darkness. Each of us had an Uzi and a pair of grenades. All our planning had been aimed at getting on to the Golan, installing the bug and getting out again. If all went well, no one would even know we'd been there. But we had practiced what to do if things went wrong. If challenged or ambushed by a Syrian patrol, we would operate by old Company A rules. We would open fire.

The climb onto the plateau wasn't too tough, not nearly as hard as our sayeret training treks. When we reached the top, there was no obvious sign of any Syrians. Still, we had to move slowly. Even with my binoculars, I could see barely 30 yards into the moonless night, and I had to scan the route ahead, back and forth, to make sure there were none of the fences or warning signs to keep the Syrians' own soldiers, or unsuspecting shepherds, from a minefield. Soon, however, we found an obviously well-used footpath which I figured was very likely to be safe.

When we had walked a few minutes, we found ourselves going through a tangle of bushes and reeds, some of them up to two feet high, still dry and crackly from the summer. Aside from the risk of tripping, I knew the noise we were making might attract attention. I told the rest of the team to hang back 20 yards behind me. I moved forward to make sure the route was clear before signaling them to follow. I had been slightly nervous on the climb up, not so much because I expected trouble but because there was no way of knowing *what* to expect. Much as I tried to put the concerns of the generals from my mind, I also knew that this was no ordinary mission. But almost immediately, the nerves had gone, and I was now focused only on getting us through the next minute, the next 20 or 30 yards of the Golan.

But as soon as we'd made it across the plateau, we ran into trouble. We needed to cross the Banias River. On our map, I'd picked out what looked to be a shallow ford. But the water was much higher than we expected. After spending 30 minutes scouting the bank for 150 yards in either direction, we settled on what seemed to be the shallowest part. Yet we hadn't anticipated the need to cross a river in full flow. Worse, we'd never trained to do it. Not had we

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brought any special equipment. Unless we could figure out a way to cross – and quickly – we would be putting the timetable for the whole operation at risk.

The only remotely useful tool I could find was two 25-foot lengths of parachute wire. We spliced them together. I took the lead end and waded in. I sunk up to above my chest, but managed to get across. With Avi Telem on the other bank holding his end of the wire, the others used it to help them cross, so they stayed a bit drier. They also kept the intercept equipment dry. Finally, Avi followed. But both he and I were now soaking wet. We were also behind schedule. We had covered less than half of the three-mile route to the telephone pole. Even if we did manage to install the bugging device, the delay meant we might be spotted on our way back to Israel. We were under strict orders to turn back by 1:15 in the morning even if that meant not getting the intercept in place. And it was already past midnight.

We began climbing into the heart of the Heights, planning to go around the southern edge of the Syrian base at Banias. The vegetation was sparser but we still ran the risk of making noise from the stones and larger shards of rock as we weaved our way up. Within 10 minutes, I could see the vague outline of the army camp: several large buildings for several hundred Syrian troops, ringed by trenches with security outposts and a barbed-wire fence on the perimeter.

For a half-hour or so, we moved forward in a kind of rubber-band formation. I would advance as quietly as I could, listen for signs of Syrian troops, scan the area ahead with my binoculars and wave the others to follow. But as I prepared to move forward again, I suddenly felt a tug on my shoulder. It was Moshiko, and the very fact of his speaking was proof of his alarm. "Ehud,"we've got to go faster," he said. "We won't get there in time." I said I understood. But I told him to wait for the others to catch up and stay behind with them as I scouted the way ahead. Still, by the time the outer fence of the base came into view, the others had picked up their pace. They were only 15 feet behind me.

It was then I heard the sound of movement. I motioned the others down. At first, I thought it was a wild animal. But then I noticed, 20 feet in front of us and a bit off to our right on a slight rise, a group of three Syrian soldiers. They were lying on rocky scrubland 40 yards outside the fence. One was tossing and turning. Another was snoring. I maneuvered my Uzi into firing position just in case. We waited for a minute. Then two. But it seemed clear they really were sleeping.

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Then, from directly behind me, came another sound: the hiss of Avi's bulky two-way radio. I was worried we'd end up waking the Syrians. But just as I was figuring out how to make sure we got past them before that happened, Avi drew up beside me.

"Ehud," he whispered. "It's 1:15. The command post ordered us to turn back."

"Turn off the radio," I said, my hand on his elbow, reassuringly I hoped, as I led him and the others back a full 100 feet from the Syrians. We took a wider route around the camp. We moved much more quickly on the final mile to the road that led toward Quneitra. We were now well clear of the camp, and I felt it was unlikely we'd run into a patrol. I was also confident we'd have an easier return trip. I knew what had held us up on the way in: finding a path on the plateau clear of mines, figuring out how to cross the river, and the general unfamiliarity of the terrain. None of those applied now. I felt we could get the bugging job done and still be back before dawn. As we got nearer the road, Avi asked me a couple of more times whether he should turn the radio back on. "No," I kept telling him. "It's OK. I'll tell you when."

It was about two in the morning when we reached the road. We found a telephone pole set back on the edge of a field. Moshiko hoisted himself onto Kuti Sharabi's shoulders, clambered up the pole and installed the bugging device. The entire operation took him less than 10 minutes. We moved more quickly on the way back. By around 3:30, we had crossed the river. "You can turn on the radio now," I told Avi, who was obviously relieved. He handed it to me. Using our agreed code words, I reported our location, and added the phrase for "mission accomplished."

When we began our final descent, it was starting to get light. I assumed we were near enough to the border to make it unlikely we'd be shot at. Still, there was a danger we'd be spotted by a patrol, so I was relieved when we reached the mound of boulders, more than ten feet high, that served as a tank barrier outside Kibbutz Dan. When we stepped behind it, I saw that not only Avraham, but Meir Amit as well, were waiting. The Head of Military Intelligence said nothing. He didn't have to. He just shook my hand, beaming. Avraham grabbed each of us, one by one, in a bear hug.

Then, drawing me aside, Avraham said that I had only narrowly missed landing in deep trouble. I assumed my transgression was shutting off the radio and disobeying the order to return. That was just part of the problem, however.

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Despite General Yoffe's angry protests in the command post, Avraham had told him what he'd told me back at the base: that once an operation like this was underway, only the commander on the spot could make life-or-death decisions. I was "the *ramatkal* in the field." But Yoffe had also discovered that his jerrycans of gasoline were missing. He insisted that if and when I returned safely from the Golan, I be handed over to the military police.

I don't know what I would have told the general if he'd asked me directly whether I broke into his jeep. But in the mix of celebration and relief that the Syrian operation had succeeded, I got away with what amounted to a plea-bargain. I promised both Meir Amit and Avraham – at least one of whom believed me – that it would not happen again.

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Almost no one in Israel knew what we had done. But the next morning, a package arrived at the Sayeret Matkal base from one of the few people who did. We opened it in Avraham's office. It was a *nearly* full carton of champagne: real, French champagne, since it would be years before Israel's embryonic wine industry produced anything similar. Inside was a note from the chief of staff. "For the success of the operation," General Tzur had written. "Minus two bottles… to teach Ehud Brog not to shut off his field radio."

I assumed that his reprimand was tongue-in-cheek, for the same reason I'd escaped being locked up on General Yoffe's orders as a gasoline thief. Had we been captured on the Golan, the very future of the sayeret as an operational intelligence unit would have been put at risk. Tzur, and Ben-Gurion as well, would have faced a reopening of all the old wounds from the Uri Ilan mission. But not only had we managed to get in and out of Syria in one piece. We had taken at least a first step toward erasing the blind spot in our intelligence capabilities shown up so dramatically by Rotem. A few days later, I received a letter from the chief of staff informing me that I was to receive my first *tzalash*, or operational decoration, in recognition of "a mission which contributed to the security of the state of Israel."

My own feelings were more mixed. I was proud of what I, and my team, had accomplished. On a personal level, too, I felt I'd reached an important landmark on my unlikely journey from the winter morning when I'd arrived as physically frail, awkward kibbutz teenager at APC boot camp in the Negev; through my years of sayeret training under the strict, sometimes sardonic, but always supportive gaze of Israel's most storied commandos; to, now, having begun to make a real contribution to Avraham's vision of a new kind of Israeli military unit. But while Avraham, General Tzur and our other military and intelligence chiefs celebrated our mission, I felt not so much triumph as relief. I didn't kid myself: I knew that the operation could just as easily have gone wrong. In fact, it very nearly did, through errors or omissions I had made. I made that point, in general terms, when we joined Avraham and the rest of the sayeret in a formal debriefing. But that very night, just as I had in the days before we set off, I wrote down in detail some of the oversights I knew I'd have to correct if we were to succeed in further missions.

Why hadn't I chosen a route that took us further away from the Syrian base at Banias? How had I let us arrive so unprepared, untrained and unequipped for

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crossing the swollen river? Why hadn't I taken the time to check the current several miles downriver inside Israel? And couldn't we have moved more quickly on the way in, even with the delay in crossing the river?

I was aware of, and grateful for, the confidence Avraham had shown in me. He had taken a chance in choosing me to lead the sayeret's first, critical operation. He must surely have had doubts about whether I could handle the task. Years later, I asked him about it. He told me that he'd been relying on intuition. Yes, he realized I'd had no experience of a real cross-border mission. But that was true of everyone else in the unit as well. He was convinced that the tools needed for success were self-confidence, attention to detail and an ability to think and act in response to what happened on the ground – all qualities which he was confident that I possessed.

Now that we had provided Israel access to communications in the north of the Golan, there was a demand for us to do the same in other parts of the Heights. I was involved in nearly all of the missions we were asked to undertake in the months that followed, either as commander of the main force or the hillutz. I was also soon training a new team of recruits for future operations. But perhaps the most important sign of Avraham's confidence was to involve me in early efforts to broaden Sayeret Matkal's experience and reach beyond pure intelligence missions – to create a true special forces unit that could fight as well.

Early in 1963, we hosted a visit to the unit by Colonel Albert Merglen, a veteran of France's colonial wars in Indochina and Algeria, and commander of the airborne commando force known as the 11th *Demi-brigade Parchutistes de Choc*. As the colonel looked on, I led a sayeret team on a live-fire raid in a training area not far from Lod Airport. We attacked a position protected by trenches and concrete barriers and stormed a two-story building. Eager to impress Mergelen, Avraham even insisted on our wearing French-style berets in place of helmets. I assume it was the attack more than the berets that did the trick. But a couple of months later, Merglen proposed a series of exchanges. The first would involve an officer from Sayeret Matkal officer spending eight weeks on a counter-guerrilla commanders' course in the parachutistes' training headquarters.

Avraham picked me to go. The French base was in a 17th-century fortress near Mont Louis, in the Pyrenees along the Spanish border. I'd never been outside Israel, at least legally. I had no passport. I didn't own a suit or a tie. But within days, I was kitted and fitted. I boarded an El Al flight to Paris and, on a

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storm-tossed Caravelle, flew to Perpignan in southeastern France. There were eighteen "shock parachutists" on the course. I had just turned twenty-one. Not only were most of them at least a decade older. They were the epitome of toughness. The guy who taught us how to set booby-traps had parachuted behind German lines in the Second World War. All of the men had fought in Indochina and Algeria. One had operated behind Vietminh lines, surviving for a year-and-a-half on nuts, berries, tree bark and snakes. With the benefit of my sayeret training, I was at least their equal in fitness. I had also not spent years consuming prodigious amounts of alcohol and smoking *Gitanes*. But I'd never experienced anything nearly as demanding as some of the training we were put through.

With backpacks crammed with Alpine military gear and lead weights as well, we hiked on to the peaks overlooking the fortress. They were covered with snow and ice from about 6,500 feet upward. We trudged for hours, shifting to snowshoes with cleats for the ice. We were taught how to dig caves in the snow and to use ice axes to keep from tumbling down the steeper inclines. We scaled cliff faces, without safety cables or nets. Our training inside the fortress always included a break for lunch. Since the parachutistes de choc were, after all, French, it was a Paris-restaurant-standard meal with copious quantities of wine. I didn't drink at the time, but could hardly abstain altogether. The first exercise after lunch was pistol marksmanship. The instructors kept well clear when it was my turn.

Yet however impressed, even at times awestruck, I was by the toughness of the French commandos, and the obvious closeness they had built during combat, I began to sense a darker side in them as well. They didn't talk much. Even if they had, my few words of French would not have been much help in deciphering what made them tick. But every few nights, I would accompany them when they walked into the small village down the road for a movie, or a few drinks, and the locals would literally cross the street to avoid us. Later, I discovered that every one of my French comrades had been involved in the OAS, the far-right anti-De Gaulle opposition in the French army in the late 1950s. In Algeria, they had mounted free-lance attacks on the insurgents, and on civilians as well. Though Algeria had been granted independence the year before, these men were unreconciled to it. In fact, a few months after my time in Mont Louis, the *Demi-brigade* was dismantled, when several of its top officers were found to be involved in an assassination plot against President De Gaulle.

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After my return in June 1963, Avraham asked me to share my experiences with the other sayeret officers. I began with the positives. I singled out the sense of self-confidence, allied with individual strength and teamwork, that the French commandos had developed from exposure to almost incredible extremes of danger. I believed that their success depended not on eliminating risk. We all knew that was impossible. It was about professionalism developed over a period of years by men who had served together in the toughest of circumstances. But I also mentioned their darker side, which seemed to me a reminder of the danger of the mis*application* of the very qualities which made them a formidable military force. "The ethos of a unit like theirs, and like ours, is essential to making us strong," I said. "But what I saw in France was an entire ecosystem that these guys had created, extremely patriotic in their own minds, reinforced by one another. But dangerous for society as a whole."

* * *

It would be nearly a decade before Sayeret Matkal became not just a military intelligence unit, but a fighting force, and I would turn out to have a central role in making that happen. But there was an almost equally daunting challenge we were called on to tackle first – a critical one, if Israel was going to be truly prepared in the case of a further war. For while our bugging missions on the Golan had reduced our vulnerability to a surprise attack in the north, the real challenge of Rotem had yet to be addressed. It was Egypt – with its hundreds of battle tanks, and hundreds of thousands of men under arms – that was by far our most powerful Arab enemy. President Nasser wasted no opportunity to flaunt his determination to fight, defeat and ultimately erase the state of Israel. But we still had no reliable, real-time intelligence on his forces.

Fixing that, if such an operation was even possible, would make our bugging operations on the Golan look like mere boy-scout missions. We could not simply walk into Egypt with our backpacks, find a telephone pole on one of the few roads crossing the vast expanse of desert, and attach a bugging device. The idea was to tap into the main military communications cable in the Sinai. That meant using a vastly more powerful, and far bulkier, intercept apparatus, weighing more than half a ton. Even getting it into Egypt would be a problem. We certainly couldn't carry it our backpacks, or tow it across the sand. Even if we figured a way to get it there, we would still have to dig up the Egyptian

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cable, install the machinery, cover our tracks and get back into Israel again undetected. Even if we managed to avoid getting captured, without completely camouflaging what we'd done, the Egyptians would discover what we had done, almost certainly tipping off Syria as well to our bugging operations on the Golan Heights.

The difficulties with a Sinai operation weren't just theoretical. Almost a year before leading the first mission on the Golan, I'd actually been involved in preliminary planning, and fairly detailed training, for such a mission in the Sinai. We'd ended up abandoning the idea as obviously unworkable.

But Meir Amit, not just our unit's overall commander in the *kirya* but Chief of Operations during Rotem, recognized that getting intelligence access to Egypt was central to Israeli security. He was intent on reviving the plan to tap into Nasser's communications in the Sinai. So was Avraham Arnan. He enlisted the backing of an old friend, Uri Yarom, who was now commander of the Israeli Air Force and was eager to put our fleet of recently acquired Sikorsky S-58 helicopters to operational use. When Avraham called me in to tell me what he had in mind, he began by saying it would be "by far the greatest challenge we've contemplated" – typically disarming candor, but also a challenge which I'm pretty sure he knew would only increase my determination to at least try. The flight in would be difficult enough. Israel had never before tried such a heliborne mission. But he told me that wasn't my problem. "That will be Uri's job." The really testing part would be to carry out an mission, at night, deep inside Egypt, cover our tracks and get out again in one piece. "Still, I'm sure that we can succeed," he said. "And I want you and your team to do it."

Even now, more than half-a-century later, some of the details of how we planned to tap into the Egyptians' communications remain classified. But once I'd chosen my team of sayeret soldiers for the mission, we trained for nearly nine months. We drafted in geologists to identify areas of the Negev similar to the terrain we'd find in the Sinai. We developed a series of methods to prevent Egyptian soldiers or scouts from discovering that we'd been there – assuming, of course, we managed to get in, attach the intercept, and return safely. It was a relentless process of trial… and error.

One of the many reasons we'd abandoned the plan a couple of years earlier was that, in a nighttime exercise to see whether we could avoid detection by Israel's own crack desert scouts, we'd failed utterly. Now, after many weeks of training in the Negev, we did, finally, succeed – in a test running for four

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straight nights which replicated, as nearly as we could, what we intended to do across the border in the Sinai. It was as if we'd never been there at all.

Yet there were the errors, setbacks and frustrations as well. Many months into our planning, we conducted a series of run-throughs in which we simulated attaching the intercept to Israel's telephone network in the south, not far from the camp where I'd done my *tironut*. Though it all seemed to go as planned, the next morning in rained heavily. Within hours, the phone company was getting reports from all around southern Israel of phones malfunctioning. Even allowing for the fact it rained less in the Sinai, we had to address the risk. I went to see the people in Meir Amit's technology unit, and they began developing a waterproofing system for the equipment.

The main problem with the equipment, however, was its sheer weight. The helicopter could get us, and it, into Egypt. But we couldn't fly directly to the cable site in the Sinai. We might just as well tell the Egyptians we were on our way. At around 1,100 pounds, it was much too heavy for us to carry. And if we were going to go ahead with the mission, time was running short. A date for the operation had been set by the *kirya*: February 1964. I was not alone in believing that, unless we cracked the problem of getting the equipment to the cable site, the operation was impossible.

The solution came from a staff officer in military intelligence. Meir Amit visited our base once a month to hear how the preparations were going. With the date getting closer, he brought along his entire staff. When I raised my concern about the weight problem, a colonel from his personnel section said: "Why not build a lightweight rickshaw, small enough to get in the door of the helicopter, but which can carry all or most of the equipment once you're on the ground?" Within days, they had a prototype, made of airline-standard tubing and designed to be pulled by two men. We held an exercise in the Negev. But it was almost impossible for two men to pull through the sand. It also left deep zig-zag imprints in the sand, which would surely raise the suspicions of the Egyptians.

But prototype number-two was a four-wheel, chrome alloy cart. The technology experts had made the axles telescopic, so the vehicle would get through the door of the chopper but could be expanded to the width of an Egyptian army Jeep. They had borrowed nose wheels from a training jet. To complete their oeuvre, they glued on real tire tread from one of the Egyptian Jeeps we had captured in the 1956 war.

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We were as ready as we were ever going to be. We got the final go-ahead from in mid-February. Our backpacks were crammed full with the whole array of equipment we'd designed, commandeered or purchased for the mission – including a metal detector we got from a hobby shop in Pennsylvania. All the cargo except our personal gear, our weapons and our communications equipment was loaded onto the cart. A command post was set up in a few wooden huts on Mount Keren in the Negev, complete with special antennas to receive the intercept transmissions if we succeeded. Not since the first Golan operation had the attention of the *kirya* been so keen, or the stakes so high. In addition to Meir Amit, and of course Avraham, also flying down to Mount Keren would be General Tzur's successor as armed forces chief of staff – a gruff Palmach veteran whom I'd met very briefly at the end of my officer's course but who I would come to know well, and work closely with, in the years ahead: Yitzhak Rabin.

* * *

The helicopter lifted off at about six-thirty at night. Compared to special operations nowadays, the mission still had a somewhat improvised feel about it. Certainly, that was true of the equipment we were ferrying in, and the tools we'd devised to make sure we could get it installed and working. But the men in my team were soldiers I'd trained from the day they arrived in the sayeret. Achihud Madar was unfailingly surefooted, whether finding his way alone at night on unfamiliar ground or in a firefight inside a building. He also had natural dexterity. He and another of the soldiers who was also gifted with his hands, Nissim Jou'ari, would be performing the most technically delicate part of the operation on the cable. The third member was Oded Rabinovitch. Tall, thin and quiet, he was absolutely reliable in whatever part of an operation he was given to execute. And as my deputy commander, I'd chosen a sayeret officer named Kobi Meron, who'd been with me on a number of Golan missions. Over six feet tall, he was probably the strongest man in the unit, quick-thinking and utterly unflappable.

When we landed, we telescoped out the axles on the cart. The roar of the departing chopper was replaced by silence. Under the soft light of hundreds of stars, I led the way deeper into the desert. It took nearly an hour to reach the road leading to the cable site. Though traffic was light, I posted Oded and

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Nissim as lookouts. Kobi and I began digging a trench. The top layer of sand was easy to remove. But then, just a few inches down, our shovels struck something hard. Maybe it was a sheet of rock. Maybe sand packed tight over the millennia. But it resisted all our attempts to break through.

We had to find a way to get far enough beneath the surface to install the equipment. I called back Oded and Nissim from lookout duty. All four of us attacked the subsoil with every tool in our backpacks that could conceivably help. It took nearly three hours in all. But we finally managed to carve out a trench that seemed as if it might just do the job. It wasn't as deep or as wide as we'd planned. But we were approaching a point where we would have to give up. We couldn't risk any more time digging, and still leave time to attach the intercept unit, cover our tracks and make the rendezvous with the helicopter to take us back into Israel.

Achihud and Nissim cramped themselves into the hole and got to work, like surgeons in an operating theater, silent except for the faint hum of the intercept equipment. Within a little less than an hour, they'd finished the main part of the work. During our training exercises, we'd factored in a fall-back plan, a way of ensuring we got the unit installed but without additional equipment to extend its battery life. Since we were still behind schedule, I was tempted to stop while we were ahead. But having come this far, and knowing the potential risks of a further mission to refresh the power unit and replace the batteries, I told them to keep going, and also to take the extra few minutes needed to make sure the equipment was functioning.

We had to be out of Egypt by first light, and we were now left with more than an hour's less time than we had reckoned on to make it back to the rendezvous point. There was another problem, too, which I at first sensed more than saw. A bank of fog was closing in. It had come in patches at first, but was getting denser. We had the same radio we had taken on to the Golan. We'd worked out codewords for each part of the operation but otherwise agreed to break silence only if absolutely necessary. Now, I had no choice. If the fog continued to thicken, it would block any chance of the helicopter getting in. I radioed the command post and said as calmly as I could: "The milk is coming." It wasn't elegant. But "milk" was our codeword for fog. The chopper would now try to bring us out within 30 minutes.

Moving more quickly now that the cart was nearly empty, we made our way eastward. As conditions worsened, I radioed again with a short series of numbers: directions for a new pickup point. Even that seemed like it might not

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work. The fog now enveloped us completely. I brought the team to a stop. I stayed with the cart while the other four outlined a landing area with kerosene flares in the hope that the pilot would see us. It was another five minutes when we heard the thump of chopper blades. Though we couldn't see more than a few feet, I suddenly saw the outline of the landing gear and then the underbelly. But the helicopter did not seem in control. It was drifting towards where I was standing with the cart. It was just seconds away from hitting me when its nose wrenched upward. It landed with a judder a dozen yards away. Later, I learned the navigator had realized the craft was drifting and, just before impact, shouted a warning to the pilot.

We piled in, secured the cart and took off. Within a minute, the murky blanket of fog was below us. As we swooped back into Israel, I could see the first pink of sunrise. By the time we touched down at Tel Nof air force base, southeast of Tel Aviv, the command post in the Negev was receiving the first intercepts.

A few days later, one of the sayeret soldiers gave me a first-hand insight into the mood in the command post in the final stages of the operation. Avsha Horan's role had been to act as security guard for the top brass in Mount Keren. He occasionally took a peek inside. He described to me the atmosphere when I radioed my "milk is coming" message: solemn faces, hushed conversations between Avraham and Meir Amit. And off to the side, the recently elevated chief-of-staff, Rabin, chain-smoking and biting his nails. Finally, the audible sighs of relief when the pilot radioed in with his final message from the chopper: "Out of the fog. Heading home."

* * *

With the rest of the team, I was invited to see Yitzhak Rabin ten days later. We were being given a further tzalash. This was the first time I'd met him since leaving officers' school two years earlier, when, with a few terse words, the then-deputy chief of staff congratulated me and several other cadets who graduated with top honors. I had felt a bit overwhelmed in his presence. Now, I was struck by how shy he seemed. He greeted each of us with a tentative handshake, and seemed uncomfortable in making eye contact. Yet once he began asking me about the Sinai operation itself, it was as if he was transformed. He was hungry for every detail, anxious to know the way we'd had

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to adapt on the ground. And obviously pleased that we'd found a way to make the operation work.

The Sinai mission marked a transition not just for me, but for others in Sayeret Matkal as well. Avraham Aranan finally left the unit he'd imagined, created and built. He became the head of the technology unit in military intelligence. His deputy, Dovik Tamari, succeeded him, serving the first in what would become two-year stints for each of his successors as the sayeret's commander. I, too, was given a wider role. Though I was still just a young lieutenant, and too junior for the job, Dovik made me his *de facto* deputy, with responsibility for operational oversight of our missions. I returned to the Sinai a year later, not in that capacity but because of my on-the-ground experience, to accompany a sayeret team which installed an intercept on a second Egyptian communications cable.

Though the tzalash was gratifying, what gave me more satisfaction, and pride, was the importance of the Sinai operations themselves. I was confident that if we *did* have to go to war again, the equipment we installed, along with the bugs on the Golan, would give us an essential edge. But in truth, I didn't actually believe there would be another war. Sure, the threat was still there. Egypt, in particular, still seemed determined to find a way to hobble, and if possible eliminate, Israel. But especially since the 1956 war, the *fedayeen* attacks, and cross-border skirmishes, had been subsiding. Not long after the second Sinai intercept mission, I was chatting with other officers on the sayeret base and remember turning to one of them and saying I was sure that by the time I was married and had a teenage child, we'd be able to take a skiing holiday in Lebanon. We didn't have peace yet. That might take time. But I felt that things were getting more normal.

I began thinking what that would mean not just for Sayeret Matkal or Israel, but for my own future. By the autumn of 1964, I'd reached a decision: to end my active service in the unit that had been central to my life since leaving the kibbutz. Dovik did persuade me to delay, for nearly a year. But at the end of the summer of 1965, I left Sayeret Matkal. In fact, I left the army altogether. I went to study mathematics and physics at Hebrew University in Jerusalem. I would remain involved in the sayeret as a reservist. But I couldn't see devoting my adult life to military service in a country which, fortunately, seemed on a trajectory toward peace. I had spent five years in an extraordinary unit. It had been more fascinating and fulfilling than I could have dreamed of when I'd

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finished my tironut. Now I looked forward to pursuing a different path with equal eagerness and energy.

There was also something else which colored my thinking. For the first time in my life, I had fallen in love.

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Chapter Six

The French have an expression for love at first sight: coup de foudre. A thunderbolt. That was how it felt when I'd set eyes on nineteen-year-old Nili Sonkin in mid-February 1963.

It was my first visit to the kirya in Tel Aviv. I'd been told to report to the administrative section, to register my formal change of status from a mere draftee to a staff officer, something I'd managed to overlook amid the demands of our first sayeret operations on the Golan. Since I didn't know which office to go to, I asked a girl sitting at a desk near the entrance. She looked up with a wide smile. When she directed me to the second floor, it wasn't just her voice that struck me: multi-timbered, almost like a musical composition. It was her eyes. Bright, radiant, green. Full of playful, unapologetic self-confidence.

In the weeks that followed, I invented a series of excuses to return to the kirya. I introduced myself to her, with as much composure as I could muster, and on each further visit chatted to her a bit more. I told her about growing up in Mishmar Hasharon, about math and music, about Israel, and how, as a soldier in the past few years, I'd walked almost every inch of the land – in short, about everything except our still-secret sayeret and our nighttime forays across the border. She, too, opened up about her home and her family and her friends. Though there was another girl I'd been going out with – the younger sister of my old kibbutz co-conspirator, Moshe – she was more a friend than a girlfriend. I'd never before felt anything like the connection I sensed with Nili, nor anything like the race in my heartbeat as I set out to see her.

I also found myself gripped by an unexpected, and unfamiliar, lack of self-assurance. I was now 22, three years older than Nili. I had the inbred confidence of a kibbutznik, the quiet sense of specialness which, at least for another decade or so, would give the children of the kibbutzim a disproportionate place in Israel's government and army, media and the arts. The same confidence which had convinced me as a raw recruit back in boot camp that I could lead a supply convoy to the edge of the Sinai. Since then, I'd begun to make a mark in Sayeret Matkal as well, leading its first clandestine operation and receiving a citation from the chief-of-staff. Yet with Nili, I couldn't help feeling unmoored, totally out of my depth. She was part of a different Israel. She was a *Tel Avivit*, born and raised in the largest and brashest city in our young state, a place which was everything the kibbutz was not. She had graduated from Alliance, a high school

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in north Tel Aviv set up with French backing and an accent on French language and culture. Unlike the girls on the kibbutz – proud of their plain, utilitarian clothes and sensible shoes – she wore make-up and perfume and, when she was out of uniform, bright print dresses. She never tried to make me feel out of place. Still, it was sometimes hard not to wonder whether she saw me as a country bumpkin – a nice, interesting, bright county bumpkin, perhaps, but still an interloper or a curiosity in her world.

It wasn't until April, the day before I was due to leave for the French commando fortress in Mont Louis, that I plucked up the courage to ask her out. I needn't have worried. She smiled. In fact, she proposed that since I was about to leave the country, she should be the one doing the asking. She invited me to dinner that evening at the apartment she shared with her parents and younger sister, about a half-mile from the *kirya,* a few blocks back from the Mediterranean. Dinner was less awkward than I feared, but I still felt nervous, until the dishes were cleared and Nili and I went out to chat on the apartment balcony and, just before I left, to share a first kiss.

We wrote each other almost every day while I was away in France. Once I got back, we met whenever I wasn't preparing for a sayeret operation. This was the first girl I'd known whom I could talk to, and listen to, on almost any subject with a feeling that it was natural and somehow meant to be. But in the second half of 1963, I was working almost non-stop on preparing for a sayeret operation. I still saw Nili when I could, sometimes at her apartment, but also occasionally going out to a movie, a meal or a concert in Tel Aviv. Yet what I most wanted was an acknowledgment that we were not just dating: a commitment that we intended the relationship to last. I didn't say this to Nili. Years later, she would say this was down to pride. In fact, I was afraid she would say no. And in the periods when we were apart, I couldn't help asking myself why she hadn't raised the question of a deeper commitment.

Even more frustrating, by the time I entered Hebrew University in September 1965, our relationship was again being conducted by mail. After her military service, she took a two-year posting at our embassy in Paris. I could understand the attraction, not just because of her taste for all things French. She was working with the Mossad to help Moroccan Jews skirt an official emigration ban and get to Israel. Still, it meant that charting our future together, if we had one, was going to have to wait.

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The intellectual experience at university everything I hoped. The challenge was finding a way to juggle my studies with my military reserve duty. In other units, most reservists could schedule their one month per year when classes weren't in session. To be of use to Sayeret Matkal, I'd have to report when I was most needed, and four weeks was unlikely to be enough. Near the end of my first term, from late 1965 into the new year, I was called to participate in our latest mission into the Sinai. The next winter, and through early 1967, I was called up for another mission and was away for nearly two months.

That operation was prompted by the fact the Egyptians had begun laying a new communications cable, parallel to the one where we'd put our intercepts.

With the diggers getting closer to where I'd led the first Sinai mission, the *kirya* was worried that they might unearth the apparatus we'd installed. In theory, at least, we'd planned for that. The bugging unit which we buried included a booby-trap explosive device. Still, nearly four years on, we couldn't be absolutely sure it would work. So the decision was taken to send the sayeret back on a further night crossing into the Sinai, defuse the explosives, and bring the whole thing back to Israel. Since I was the one who'd installed it, I was given the job of removing it.

The officer in overall command of the mission was Nechemia Cohen. He was a good friend, and one of the finest officers in the unit. Before I left for university, I'd mentored him so that he could take over my role as the effective number-two officer in the sayeret, in charge of all our core operational activities. He, too, was now about to leave, though not to for university. He was becoming deputy commander of a paratroop company, under another former Sayeret Matkal, named Yechiel Amsalem.

I was meant to defuse the booby-trap remotely: with a 12-foot-long metal tool designed by the technology unit. I was fairly confident I'd manage. But when Chief-of-Staff Rabin heard about the operation, he summoned me, along with Eliezer Gonn, the scientist working with us on the plan to defuse the booby-trap. Rabin was with a half-dozen other officers when we arrived. Gonn had brought along a mock-up of the explosive device, which he proceeded to place on Rabin's office table. But as I took out the extension tool and started to explain how I was going to defuse the device, Rabin turned to Gonn and asked: "Could it blow up spontaneously?"

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"Yes, it could," he said.

"What?" Rabin barked.

Gonn replied matter-of-factly: "It is a physical device. It obeys the laws of physics. When, for instance, there's a thunderstorm in Turkey, a flash of lightning could discharge at precisely the frequency needed, or one of its lower harmonies, with enough energy to activate the fuse in the detonator."

I was far junior to everyone else in the room. But as a physics student, I was probably the only one who could fully follow the argument he was making. Looking at Rabin's expression, it was clear that he was about to cancel the operation on the spot. "Excuse me, sir," I said. "Could I ask Doctor Gonn another question?"

I pointed at an unopened bottle of orange soda on Rabin's desk. "Tell me," I asked the physicist, "is it possible that the fluid in that bottle is spontaneously leaking through the glass even as I'm speaking?"

"Sure," Gonn said. "It might take years before even a fraction of a centimeter of the soda goes missing. But glass is like a 'frozen' liquid, and liquid water, or the molecules, are seeping into, and through, the more viscous 'liquid' of the glass. It's just physics."

Rabin looked at me, then at Gonn. But he had clearly got the message. "The operation is confirmed," he said, in the deep, gravelly voice I would become much more familiar with in the years ahead. "Good luck."

The device didn't explode, but I couldn't defuse it either. I did manage to get the remote metal tool locked on the bolt on the booby trap. But it wouldn't budge – even when I waved back Nechamia and the others and took out an ordinary wrench. Though this was the first of my sayeret missions that ended in failure, that wasn't what worried me as we boarded our helicopter back into Israel a couple of hours before dawn. It was the real possibility that the Egyptians would inadvertently discover that we'd been intercepting their communications. Dovik Tamari, as sayeret commander, was especially upset. This was one of the last operations during his period in command of the unit. He was about to hand over to a veteran paratroop officer, Uzi Yairi.

Yet our aborted Sinai mission turned out not to matter. What saved our eavesdropping network was the very thing which I was confident would not happen when I left for university: another Arab-Israeli war.

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Tension began building in the north in the spring of 1967, initially set off by Syrian efforts to divert water from the upper reaches of the Jordan River, an important water source for Israel was well. In a series of exchanges, Syrian troops on the Golan fired on Israeli tractors in the demilitarized zone below, and began shelling our argicultural settlements in the Galilee, while we responded with tank fire and then air power, scrambling our jets and shooting down six Syrian MiG-21s.

The first indication that we might be headed toward war came as I returned to university for the spring term, and trouble began brewing in the south. Ben-Gurion had by now retired as prime minister. His successor was the undeniably thoughtful, if far less charismatic, Levi Eshkol. During Israel's Independence Day parade on May 15, he received word that Egypt had moved thousands of troops into the Sinai, nearer to the border with Israel. Then, with the Soviets warned Nasser of what they said were Israeli plans for a preemptive strike against Syria, he went further expelling the United Nations force put in place after the 1956 war. On May 23, he closed the Straits of Tiran, Israel's trading gateway to the Red Sea and the source of virtually all our oil imports.

I was told to report to Sayeret Matkal the following day, as part of the first group of reservists called up. When I reached the base, Uzi Yairi, who was now in charge of the unit, organized us into four teams. He put me in command of one of them. We were told to prepare ourselves to helicopter into the Sinai, attack a series of Egyptian air bases and put the runways out of commission. My team's target was the base at Gebel Libni, not far from where I'd placed, and recently failed to defuse, our first intelligence intercept.

With each passing day, war looked more likely, and there was no confidence we would win without a costly struggle. In 1948, Arab attacks had killed about 170 people in Tel Aviv. Now, word got out that a park in the center of the city had been set aside to allow for the burial of as many as 5,000. With Israel's military commanders pressing Eshkol to take the initiative and launch a preemptive strike, he delivered a radio address at the end of May, intended to reassure the country the situation was under control. But due to last-minute, handwritten changes to his typescript, he faltered while reading it. He sounded

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anything but under control. Within days, he bowed to political pressure and brought back Moshe Dayan, now a member of the Knesset, as Defense Minister.

I still vividly remember a visitor to the sayeret the day after Eshkol's address. Colonel Eli Zeira was head of the "collection department" of the intelligence corps, the rough equivalent of America's National Security Agency. Formally, Sayeret Matkal was part of his department. He called together all the officers. He said that there had so far been three periods in the Zionist project. The first was from the early settlements in Palestine at the end of the 19th century until the establishment of Israel in 1948. The second, from 1948 until the 1956 War. The third from 1956 until now. Then he said: "There will soon be a war. Three Arab countries will take part. Within a week, we will defeat all of them. And a new chapter in the history of Zionism will begin."

The Six-Day War began on June 5, 1967. As Eli Zeira so confidently predicted, not just Egypt and Syria, but Jordan, too, joined forces against us. And it was indeed all over within a week. The final outcome – Israel's victory – was sealed by noon on the first day, with wave after wave of pre-emptive bombing sorties destroying the entire air force of all three Arab countries. But the fighting which followed was brutal in places: especially around Jerusalem, but also in the south at the outset of the war, and later on the Golan Heights.

The first effect back in Israel of our air force attacks was to make our sayeret helicopter missions into the Sinai suddenly superfluous. In fact, it left the entire unit at loose ends – especially veterans or reservists like me who had been part of our nearly decade-long development into Israel's sole, dedicated cross-border infiltration force. At this point, we were still just an intelligence unit, not an elite commando force like Britain's SAS, Avraham Aranan's ultimate vision for the sayeret. The aim of our bugging missions into Syria and Egypt was *not* to fight. It was to get in and get out, unseen and undetected. But we were not only equipped to fight if necessary. From the unit's earliest days under the sway of Meir Har-Zion, Kapusta and Gibli and Errol and the other grizzled vets from Unit 101 and Company A, we had been steeped in the spirit of commandos. Our training was the most rigorous in the Israeli armed forces, involving not just a punishing endurance régime but learning to assemble and disassemble, fire and detonate, everything from handguns to machine guns, makeshift explosives to grenades and landmines.

The frustration we felt on the first morning of the war was not because we were itching to fight, for the hell of it. One hallmark of the sayeret's ethos, especially once the unit did start to evolve into a full-fledged commando unit,

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was always the principle of targeted force, the idea that we would take out targets, or defeat enemies, out of *military necessity*. But even on the first day of the war, it was clear that it would be by far the most consequential conflict in our country's history. There was no mission for Sayeret Matkal, nor, it seemed, any prospect of our playing any significant part.

The fact that my own role was slightly less peripheral was due to Avraham Arnan. He phoned me almost as soon as we'd got news of the Israeli air victory, and told me he had been told to take a few men from the sayeret across the southern border. Our assignment was to complete our failed attempt to defuse the booby-trap on the intercept in the Sinai. I quickly drafted in two others from the unit. One was Danny Michaelson, a friend from Hebrew University, where we had been lab partners. The other was Rafi Friedman, our paramedic, who had been with me on several of our missions on the Golan.

Avraham arrived at the base around noon. I got a Jeep and we set off. We crossed into Egypt around four o'clock in the afternoon and headed for the field headquarters of Israel Tal. Known as Talik, he was the commander of Israel's armored corps, and Avraham knew him well. His wartime division consisted of the country's premier tank unit, the Seventh Armored Brigade, and a reserve brigade. We accompanied them the next day to an abandoned Egyptian camp not far from El Arish, in the northern Sinai. At least, we'd assumed it was abandoned. As Talik and Avraham were talking in his command post, we heard a sudden burst of gunfire, which seemed to come from just a few dozen yards outside. As everyone inside the command post looked around, Avraham turned to me and said: "Ehud, don't you think we ought to deal with it?" Then, to Talik: "Make sure none of your guys shoots him."

I got Danny and Rafi. We made our way toward an underground bunker, which seemed the most likely source of the gunfire. Hugging the wall as I led the way down a series of concrete steps, I clicked off the safety on my Uzi just in case. But with the main Egyptian forces in obvious retreat, I figured that whoever was doing the shooting would have to be shellshocked, or insanely brave, to put up a fight. There were eight men crouched inside, soldiers and several staff officers cradling Kalashnikovs, and an Egyptian army general. In what was obviously at least serviceable Arabic, I told them all to raise their hands. I made a brief attempt to interrogate the general, but quickly reached the limits of my linguistic proficiency. So we marched them away and handed them over to Talik's intelligence officers.

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This interlude instantly conferred on us the desert equivalent of street cred. The next morning, Talik agreed we could accompany the Seventh Brigade as it moved deeper into the Sinai, and peel off when we got closer to Gebel Libni to complete our "sayeret mission." Given the early course of the fighting, and our forces' rapid advances in the Sinai, I couldn't help wondering whether there was any real need to defuse, much less remove, the bugging machinery. But the very fact that the *kirya*, in the early hours of the war, had still wanted us to try was a reflection of the deep sense of apprehension in Israel in the weeks before the war. Even now, it appeared, there was a concern that the Egyptians might reclaim the parts of the Sinai which we had captured.

When the armored column got close to Gebel Libni, I pulled our Jeep aside and headed for the stretch of communications cable where we'd planted the intercept. For several hours, I tried to accomplish in broad daylight what I'd failed to do in the desert darkness four months earlier. But it was no use. I finally told Avraham we'd be better off just blowing it up. I attached an explosive charge and set a two-minute delay. We watched from a couple of hundred yards away as the whole assembly disintegrated. Then we rejoined the Seventh Brigade.

Before sunset on the third day of the war, we reached the Egyptian air base at Bir Gafgafa in the heart of the Sinai. Even had the war ended then, we would have been in control of a large chunk of the desert buffer zone which Ben-Gurion had hoped to retain after the 1956 war. But now, more quickly than even the most optimistic planners in the *kirya* could have anticipated, Talik was poised to move on – toward the Suez Canal, and the main towns and cities of Egypt. As the Seventh Brigade billeted down in Bir Gafgafa, Talik sent his reserve brigade westward, in the direction of the canal.

We went with them. The battalion was more mobile than a pure tank force, but also more vulnerable: lightly armored French AMX-13s and a collection of the halftracks which I dimly, unfondly, remembered from my *tironut*. A few of the AMXs led the way, then a line of halftracks, and more tanks at the rear. I nosed our Jeep into the middle, behind the battalion commander, a lieutenant-colonel named Ze'ev Eitan. There were scattered groups of Egyptian soldiers on either side of us, and they aimed an occasional burst of fire in our direction. But there seemed little point in shooting back. We didn't need to fight, and it was clear that the Egyptians didn't really want to.

Shortly before dark, Lieutenant-Colonel Eitan brought our column to halt. The road we were on cut through tall sandunes on either side. We knew there

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were still Egyptian soldiers around us, though I doubt any of us expected trouble. Still, there were well-established rules for setting up a defensible position when an armored force halts for the night. As Eitan briefed his officers, I stood a few feet off to the side and listened. Suddenly, the commander of his AMX company interrupted. "Sir," he said, "why are we staying here – right on the main road? There are Egyptians still out there. Behind us, for sure. And any force ahead of us will run straight into us. Why not a few hundred yards off to the side, in a place that gives us a view of any enemy movement, or allows us to ambush an approaching force?" I could see that he was right. I expected Eitan to agree and alter the arrangements. But he didn't. I think that, having ordered his men to encamp on the road 20 minutes earlier, he was reluctant to get his tanks and halftracks moving again. No doubt, some of the exhausted crews were already asleep.

I parked our Jeep a few yards off the road. We organized a series of watches: Avraham, then Rafi and Danny, with me taking the pre-dawn stretch. A few hours later, Rafi nudged me awake. "I heard something," he said, pointing west toward the Suez Canal. "It was faint. But I think so." I told him to keep listening. For a while, everything seemed fine. Then, Danny woke me up. He said he was sure he heard a faint tremor, as if from tanks or APCs. I put my ear to the ground. I heard it too. I told him to go to Eitan's command halftrack, insist he be woken up, and tell him. When he got back, Danny said: "I told him."

"And?"

"Don't know," he replied. "He said I could go." I tried to grab a bit more sleep before my watch. But barely 15 minutes later, Danny jostled me awake again. "I'm *sure* now," he said. "Whatever it is, it's closer." I went off to find Eitan. But before I got there, a column of Egyptian T-55 tanks suddenly appeared on the road, 50 yards from the front of our column. I'm sure they were every bit as surprised as we were to be face-to-face with enemy armor. But they knew what to do. They opened fire.

Had we been deployed a few hundred yards off the road, we'd have seen them coming. If the battalion commander had acted on Danny's warning, we'd have had an extra 20 minutes to prepare. But the shells jolted our crews awake. Within 30 seconds, they were returning fire. But our tanks barely dented the heavily armored T- 55s. Nearly every one of theirs seemed to score a direct hit. Within minutes, a number of our halftracks, and one of our tanks, were in flames.

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Now that we were in a fight –the single fiercest battle in Israel's advance across the Sinai – Lieutenant-Colonel Eitan reacted swiftly. Standing tall amid the shellfire and the flames, he radioed for supporting fire, only to be told that none of our artillery batteries was within range. Realizing we couldn't penetrate the front armor of the Egyptian tanks, he ordered a platoon from the rear to leave the road and fire on the Egyptians' from their flank. When one T-55 was hit and started to burn, he ordered the rest of us to collect the dead and wounded and retreat toward Bir Gafgafa.

As we pulled back, we encountered a company of Centurion tanks from the Seventh Brigade, sent in to relieve us. We pulled off the road to let them pass. The battle ended up raging for another hour. By the time it was over, the Egyptian tank unit was nearly destroyed. But almost two dozen of Eitan's reservists had been killed. A few days later, I learned that the commander of the Centurions had also been killed. His name was Shamai Kaplan. Though I didn't know him personally, he was married to one of my kibbutz "sisters" from Mishmar Hasharon.

* * *

The pace of the war, its intensity, and the transformative capture of territory across our 1948 borders had accelerated dramatically since we'd joined the reserve battalion's ill-fated advance toward the canal. Back at Bir Gafgafa, we learned that Israeli troops had broken through in fierce fighting with the Jordanians and taken the whole of east Jerusalem, including the Old City and the site of the remains of the ancient temple. The news sent a shiver down my spine. I was still only 25, a kibbutznik raised on the assertively secular creed of Gordinian Zionism. But I was old enough to remember the war of 1948, the bitter struggle for the ancient city in which Judaism had been born, the packages of food we had sent to try to help break the siege there, and the division of Jerusalem at the end of the war, leaving us with only its newer, western half. And while I may not have read the Torah in the same way as a religiously observant Jew, the meaning of Jerusalem was no less powerful for me. It was part of our people's history, of who we were, where we'd come from and how we had ended up in the place where I'd been born, where I'd grown up, and which I'd spent the early part of my adult life defending. This was no less true of the biblical sites of Judaea and Samaria – the West Bank of the Jordan river.

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Places like Bet El, Shiloh, or Hebron. They represented the historic wellspring not just of the state we'd created, but of Jewish civilization, our heritage, our moral and ethical foundation. As I drove back to Tel Aviv with Avraham and the others on the morning of fourth day of the war, we heard Israeli ground forces were consolidating their hold there as well.

After dropping Avraham at the kirya, we drove back to the sayeret base, but it was nearly empty. The main fighting was now with Syrian armored units on the Golan Heights, and most of the men in the unit had gone north in the hope of joining what seemed likely to be the final stage of the war. Although the precise outcome was not yet clear, there was a dawning certainty, almost surreal, that

Israel was gaining control of all the areas across our 1948 borders from which the Arab states around us had shelled Israeli farming settlements, or facilitated fedayeen attacks and ambushes against our citizens – the very border areas where I'd led intelligence operations in Sayeret Matkal.

I, too, drove north. Not far from Kibbutz Dan, the staging point for our first Golan operation, I linked up with a group of other sayeret reservists. Israeli tanks had already broken the main resistance of the Syrians, but fighting was continuing in a few parts of the Golan. In the western corner of the Heights which bordered Lebanon, several villages still lay beyond the Israeli advance. We got an order to see if we could take them. It took barely an hour, against no more resistance than I'd met in "capturing" the Egyptians in the Sinai bunker. By the time we had made our way back across the Golan to the now-abandoned Syrian headquarters in Quneitra, it was sunset. The war was drawing to a close.

I gave my Jeep to a couple of paratroopers and hot-wired a more comfortable mode of transport back home: a big, black Mercedes which had obviously belonged to a senior Syrian officer. If only because of the license plates, I avoided the main road back into Israel. I found a dirt track running between Syrian positions on the southern edge of the Golan and descended toward the fruit groves of Kibbutz Ha'on, near the Sea of Galilee. I then headed for Givataim in north Tel Aviv, to a place I knew well. It was the home of Menachem Digli. He had been Avraham Arnan's deputy in the sayeret when I left for my stint in officers' school. Before I returned to the unit, he had a motorcycle accident, badly damaging his leg. He'd been temporarily reassigned to a post in intelligence. I figured a Syrian Mercedes would make a nice gift. Not wanting to wake him, I left it in front of his house. Sadly, he never got to use it. The next day a couple of military policemen knocked on his door and

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asked what he knew about the car outside. "Nothing," he said. "It's not mine." They took it away.

As insistently as I, and others in Sayeret Matkal, had wanted to play our part on the battlefields of the Six-Day War – in the Sinai, on the Golan, in the bitter battle to capture Jerusalem, or amid the olive-green hills and valleys of the West Bank – we had to accept that, at most, we'd been freelance support troops. Or mere spectators. But while it would be many years before this was openly acknowedlged, we did play an important part in the outcome. Because Dayan had been called back as Defense Minister only days before the war, he had wisely decided not to alter the plan for the preemptive air strikes. But he did adjust our ground advance. Just as with Eshkol's knowledge of the initial Egyptian advance in the Sinai before the war, Dayan's judgements were informed by detailed, real-time intelligence on where enemy tanks and troops were located, what they were doing, and what how and when they were planning to advance.

As speculation mounted after the war about how Israel seemed to know so much the Arab forces, Meir Amit's successor as Head of Military Intelligence, Ahrahle Yariv, even engaged in some misdirection. He was anxious to avoid jeopardizing future sayeret bugging operations. In a speech on how the war had been won, he included a reference to a "high-ranking spy" in the Egyptian army who, he implied, had leaked critical information. The "spy" was the series of intercepts we'd attached to the Egyptians' main military communications network in the Sinai, and to the telephone poles on the Golan Heights.

On a deeply personal level, too, the war left its mark on Sayeret Matkal. Though the fighting had been brief, people *did* die. Thousands of Egyptians, Syrians and Jordanians. And about 650 Israelis. Some of were not just people we knew. They included close friends. Nechemia Cohen, the officer I'd joined in our failed attempt to defuse the booby-trap in the Sinai before the war, entered Gaza on the first day in his new role as deputy commander of Amsalem's paratroop unit. Amsalem was killed early on, so Nechemia took command. He was shot and killed fifteen minutes later. To this day, he and I share the distinction of being the most decorated soldiers in Israel's history. Had he lived, I have no doubt that it is an honor he would have held alone.

This was the first close friend from the unit we'd lost. We did not mourn him openly. For young soldiers of my generation, especially but not only those raised with the additional kibbutz ethos of stolid self-control, there was an embedded sense that such individual displays of emotion were an indulgence, and luxury

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even, which the country we were building could not afford. In the early years of the state, the model Israel mother or father were those who stood silent and strong as a soldier's coffin was lowered into the ground.

Nechemia's death hurt, of course. I was friends not just with him, but his older brother, Eliezer. Known by his army nickname, Cheetah, he was in charge of the air force's main helicopter squadron. He had flown both me and Nechemia on sayeret missions into the Sinai. Several days after the war was over, before returning to university, I drove up to Jerusalem to see his family. Cheetah was at the door when I arrived. Neither of us spoke. But as we embraced, I could feel my eyes dampen, and there were tears in his eyes as well.

"Our squadron was the one that got the call to bring out the casualties," he said. "They ordered the pilot who brought out Nechemia not to tell me he was dead… until the war was over."

"He was a wonderful man," I said. "There was no one better."

* * *

When I returned to Hebrew University, the country felt completely different. It was not just the sudden realization that, in military terms, Israel had eliminated any realistic threat to its existence, important though that was. The more profound change was physical. The country in which I'd grown up was a place which felt not just small, but pinched, especially in its "narrow waist" near Mishmar Hasharon. Pre-1967 Israel was about three-quarters the size of the state of New Hampshire. Now, within the space of less than a week, the territory Israel controlled had more than tripled. It included the whole Sinai Desert, up to the edge of the Suez Canal. The entire Golan. The ancient lands of Judaea and Samaria: the West Bank. And the reunited capital city of Jerusalem.

Suddenly, we had a sense that we could *breathe*. Wander, explore. Few of my classmates were religiously observant. But none of us could help feel the sense of connection as we walked through the Old City of Jerusalem, or parts of the West Bank whose place-names resonated from the Bible. I felt especially moved when I first visited the Old City with my friends, stopping and chatting and buying things at the colorful market stalls. And, religious or not, when I stood in front of the surviving Western Wall of the ancient Jewish temple.

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The personal interactions we had with Palestinians in the weeks after the war were without obvious tension, much less hostility. They were often friendly. Looking back, I'm sure that was one reason – along with simple human nature, a desire to enjoy Israel's new sense of both security and size – that none of us was inclined to look too deeply, or too far ahead, and contemplate the implications for our country's future. I was aware, of course, that the politeness we exchanged with the Palestinians of Jerusalem or the West Bank were superficial: a few words across a market stall or a restaurant counter. I did not pretend to myself that our Arab neighbors were now suddenly inclined to be our friends.

But I did feel that, having come face-to-face with our overwhelming military supremacy, the Arab states would, over time, grant Israel simple acceptance. From there, I believed that we could begin the process of building genuine, lasting, human relationships and, eventually, peace.

There was a brief period after the war when Eshkol cautioned his ministers about the implications of holding on to the vast new area we had conquered. The government formally agreed to treat most of it, with the exception of Jerusalem, as a "deposit" to be traded for the opening of peace talks. Yet within weeks, the emphasis in the Israeli political debate shifted to which parts we would keep: the Sinai and the Golan almost certainly, as well as the Jordan Valley and a number of areas of past Jewish settlement on the West Bank. The drift away from any serious talk of trading land for peace was accelerated by the Arab states' response to the war. Perhaps that, too, was simply a matter of human nature, a reluctance on their part to accept defeat. But they appeared no more ready than before to contemplate peace. Throughout the summer, there were clashes along our new "border" with Egypt: the Suez Canal. In September, all the Arab states adopted a platform which became known as the "three no's". They rejected not just the idea of peace, but peace talks, or recognition of the State of Israel. And in October, Egyptian missile boats attacked and sunk Israel's largest warship, the destroyer Eilat, killing nearly 50 people on board.

Without this renewed violence, perhaps, we in Israel might have been able to consider more deeply the future implications of our victory in the Six-Day War. The gains on the battlefield, of course, were clear to everyone. We were no longer a small, constricted country beset by a sense of vulnerability. We were not only much bigger, but also stronger than the combined armies of the Arab states. Still, very few people asked themselves at the time what *kind* of Israel this implied. We failed to grasp the potential complications in holding on to all

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the land, and of controlling the daily lives, however benignly, of the hundreds of thousands of Arabs who lived there. Nor, crucially, did we ponder the limitations of military strength, alone, in addressing these questions. We – and I, too, at the time – were too caught up in a sense of post-war relief, celebration and, as the months of ostensible normalcy in this new Israel, complacency as well.

But within only a few years, we would face a dramatically different series of challenges. First, a campaign of Palestinian terror. Then, another full-scale war, which began with a surprise attack by Arab armies which we had assumed would not dare to fight us again.

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Chapter Seven

If you'd visited Tel Aviv in July 1967, you would have sensed a new spirit of confidence, not cockiness exactly, but a sort of spring in the collective step. This was not just due to the Six-Day War. It was because the city, if not yet the rest of the country, had shed the economic austerity of Israel's first two decades and was beginning to experience at least some of the consumer comforts which Western Europe, or America, took for granted. But we were still a decade away from the first shopping malls, or the upscale cafés and restaurants which nowadays give places like Dizengoff Street, a few blocks back from the seafront, the feel of London or Paris on a summer's day. Television had been introduced only a year before the war. C*olor* TV was still nearly a decade away. I can't say I was surprised to learn, when the archives were opened a few years ago, that a committee of moral arbiters in our Ministry of Education vetoed plans for the Beatles to perform in the city. "No intrinsic artistic value," they pronounced. "And their concerts provoke mass hysteria."

Even in Tel Aviv, and certainly the rest of Israel, a kind of cultural austerity still prevailed, an emphasis on modesty and self-restraint. It was a legacy of 1948, a reflection of the years of shared sacrifice, physical labor, and the life-and-death struggles which I, like most Israelis at the time, had experienced within our own lifetimes. That may help explain why I can remember no one remarking on an aspect of my character which, once I rose to public prominence, would attract attention, frequent comment, and sometimes criticism as well: the fact that I seemed so *self-contained*, reluctant to engage emotionally with people beyond a circle of close friends or confidants. My lack of smalltalk, and the kind of gladhanding and schmoozing that are the currency of political life. At the time of the 1967 war, I was not yet a public figure. Yet to the extent those around me would have taken note – family, university classmates, sayeret comrades, or officers in the *kirya* – my slight emotional aloofness, my focus on simply getting things done, and the way I internalized setbacks, even tragedies like the death of Nechemia Cohen, was not exceptional. It was, in many ways, simply Israeli.

Yet as Israel, Israeli society and my place in them changed, it would be suggested to me more than once – not always kindly, when it was from critics or rivals – that I had a "touch of Aspbergers" in me, a reference to those on the more benign reaches of the autism spectrum with a special facility for math,

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abstract ideas, the theoretical sciences and, often, music as well. I would always smile in response, suggesting that such diagnoses were probably best left to the professionals. I couldn't pretend, however, that emotional engagement with new acquaintances, even with people I knew and liked but were not close friends, was something that came naturally. And it is also true that from my first experience of the world of numbers as a child on the kibbutz, and as I tackled ever more elaborate pieces on the piano, I did become aware of what might be called the upside of "a touch of Aspergers" – if that, indeed, is what it is. I was conscious of the ease with which my brain translated the complexities into pictures in my mind. And the joy, at times, with which it allowed me to play around with, and develop, what I saw.

By the summer of 1967, I had experienced that feeling again, in my first real encounter with theoretical physics at Hebrew University. After the Six-Day War, I began seriously contemplating a future as a research scientist, or perhaps eventually a professor of physics. Two months after the war, I enrolled in a summer program at the Weizmann Institute, Israel's preeminent postgraduate research facility. Surrounded by some of the country's, even the world's, leading scientists, and by post-doctoral students determined to follow in their footsteps, was intellectually enthralling. But it turned out to have another effect on me as well. As I thought more and more about the prospect of joining their fraternity once I'd completed my undergraduate degree, I also heard them describe the way in which pure science sometimes got submerged in simple routine, or, more discouragingly, in the politics and positioning and backbiting of the academic world.

I think what finally changed my mind, however, was a feeling, nurtured on the kibbutz but solidified by that many nights I'd spent leading sayeret operations across our borders, that I would find my true purpose in life trying to make some special contribution to the future course of Israel. I did not for a moment contemplate politics at that point. Instead, I thought of going back into the military. I realized that in order to make a significant mark, if indeed I could, would require me to serve in the regular army, not just an extraordinary unit like Sayeret Matkal. But I did hope that, at some stage, I'd be given the opportunity to finish my time in the sayeret as its commander, carrying on Avraham's vision and, ideally, building and expanding on it as well. At least if that part proved possible, I felt that, by comparison, a career in academia would be somehow blinkered, and surely less fulfilling personally. My sayeret experience had also taught me something else as well: that protecting Israel's security was not just a matter of muscle, or firepower, indispensible though they

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sometime were. It called for mental application, an ability to assess risks, to find answers under enormous pressure when, inevitably, things went wrong. It required not just brawn, but brains.

A week before I began my final year at Hebrew University, I went to see Eli Zeira, the senior intelligence officer who'd so brashly predicted the course of the Six-Day War, in hopes of sounding out my prospects of picking up my military career where I'd left off. Despite a yawning gap in rank and age – Eli was nearly fifteen years older – I felt I could be open with him. Not only did I know him from Sayeret Matkal, which came under his purview in the *kirya.* He was a scientist *manqué* and was eager, as soon as I arrived in his office, to hear about my physics studies. When I did manage to turn the conversation to the army, I told him I was thinking of returning after I graduated. Yet before finally deciding, I wanted his honest opinion about my chances, at some point, of being given command of the sayeret. He began with a series of caveats. The choice of future leaders of the sayeret was not be his to make. When the current commander, Uzi Yairi, ended his term in roughly 18 months' time, I'd still be too young to have a realistic chance. "Maybe even next time around," he said. And in any case, I would first need to get some experience in the regular army. "But then," he concluded, "my opinion is that you have a very good chance of becoming commander of the unit." That was more than enough. I figured that whether it actually happened would now ultimately be down to me.

My last year at university was the closest thing I would have to a normal student existence. I was called away only once. But it was for a battle which would turn out to have a lasting impact on the course of our conflict with the Arabs, and on the prospects of eventually finding a way to make peace. It was Israel's largest military action since the war, across our new *de facto* border with Jordan. And it was directed at a new enemy: a fledgling army of Palestinian fedayeen, called Fatah. It was led by a man that I, like almost all Israelis, had never heard of at the time: Yasir Arafat. Born in Egypt, as a 19-year-old he had fought against the establishment of Israel in the 1948 war. Although Fatah had nominally existed for nearly a decade, it was only now emerging as a political force, in large part because of the Arab armies' humiliating defeat in the Six-Day War. A Palestinian political leadership already existed, in the shape of the Palestine Liberation Ogranization. But it was based in Cairo. Its chairman was, for all practical purposes, an adjunct of President Nasser's leadership role in the Arab world. Though Arafat had not yet explicitly challenged this state of affairs, his, and Fatah's, rise after the war carried a powerful, message for the existing Arab presidents and prime ministers: their brash promises of victory before the

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1967 war had turned out to be hollow words. It was time for a new generation, and a new, more direct, form of confrontation with the "Zionist enemy."

Arafat had set up camp with nearly a thousand men just across the Jordan River, in a town called Karameh. From early 1968, they had been launching hit-and-run raids, not just on the West Bank but into the Negev. Eshkol's cabinet was initially divided on whether to attack his base in Jordan, in both an act of retaliation and a signal to King Hussein that if his army didn't rein in Arafat's men, Israel would take whatever action necessary. But the decisive moment came on the eighteenth of March. A school bus near Eilat, in the far south of Israel, hit a Fatah landmine, killing the driver and a teacher, and injuring 10 of the children.

I was called up the night before the Israeli attack, as part of a small Sayeret Matkal contingent which was supposed to play a support role. An enormous pincer operation was mounted around the Fatah camp and Karameh itself: including a full infantry brigade, the Seventh Armored Brigade and the paratroopers' sayeret. But the resistance they met, both from Fatah and Jordanian troops, was much fiercer than expected. One of the paratroop commandos, Mookie Betzer, who would go on to join Sayeret Matkal, told me how they landed by helicopter and immediately came under a hail of AK-47 fire. Within minutes, several of his men had been killed. Mookie was wounded. The tanks of the Seventh Brigade advanced from the south. Battling the Jordanian army, they took losses as well. Amnon Lipkin, who would also later become a friend and colleague, in both the army and Israeli politics, was in command of a unit of lightly armored French tanks called AMLs. They, too, were hopelessly outgunned.

Our sayeret assignment was to block the southern entrance to Karameh as the Israeli armored force advanced. But we got bogged down in mud as we made our way from the Jordan River. By the time we arrived, hundreds of Arafat's men had already fled the area. Arafat, too, had escaped, on the back of a motorcycle.

By the time the fighting was over, some two hundred Fatah fighters had been killed. But nearly 30 Israeli soldiers lost their lives as well, and more than twice that number were wounded. Politically, the outcome was even murkier. Most of Israel was still basking in our victory in the Six-Day War. Now, we had deployed many of the same units, only to fight to what looked like a costly draw. Arafat and Fatah could claim – and soon did – that they had stood and fought, and inflicted losses on the victors of 1967.

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In retrospect, given all the interruptions, I'm a little surprised that I managed to get through my university studies. My classmates helped. They were incredibly generous in going through with me what I'd missed, and sharing their notes, whenever I returned for an extended stint of reserve duty. I've seen interviews with university friends saying I was one of the top students in our class. But that is more generous than true. It would be fairer to say I was a good student.Working hard in the final year, I did finish in the upper quarter of the class, and several of my math and science professors strongly urged me to go on to graduate school.

But my mind was made up on returning to the army. And as I balanced my studies with plans for the future during my final months, I still hadn't given up hope that Nili would be there with me. When she returned from Paris, we had started seeing each other again. Whenever I could, I would take the bus down to Tel Aviv and spend the weekend with her. Everything I'd loved about her since that first meeting in the *kirya*, everything I valued in our relationship, was still there. Yet so, too, were the doubts: whether she was ready to commit herself to sharing our lives together; and whether a kibbutznik like me could ever truly fit in to her *Tel Avivi* world. Shortly before Karameh, she'd invited me to a Friday-night party with a group of her friends. It was the first time she was including me, as part of a couple, in her social circle. But almost from the moment we got there, I felt out of place. For her, it was just another party, one of dozens she must have been to since she was a teenager. But I immediately felt out of place. I didn't drink. I couldn't dance. I couldn't help feeling like a wallflower, or an alien presence.

Now, I decided there was no point in waiting and wondering. I borrowed a Jeep from an army friend, with the idea that Nili and I could spend three or four days together, driving south from Jerusalem into the Negev and the Judean desert: to be alone, to talk, to see whether we actually had a future. I wrote her a note, took the bus to Tel Aviv while she was at work, and dropped it through the letterbox. "I am going on this trip, into the desert," it said. "I'd love it if you could come with me. I think it's important for us."

I never heard back. I felt crushed, though I tried hard to tell myself it was better to know where we stood. Years later, she told me the envelope had ended

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up under a pile of mail. She hadn't seen it until a week afterwards. She said that of course she would have come with me. She felt angry with herself, and with me too, for not simply having phoned. But since I didn't contact her in the weeks that followed, she figured this was just another one of our times apart. Or "stupid pride". A few months later, I heard she was engaged to be married, to a young man she'd known since their high school days at the Alliance.

I had first met Nava Cohen, the woman I would go on to marry, the previous year. It was through another Cohen, though they were not related: Nechemia, my sayeret friend who was killed in the 1967 war. He invited me to Tel Aviv for a party in the spring, on the Jewish holiday of Purim, and introduced us. Nava was just nineteen, five years younger than me. I was struck not just by the fact she was attractive, but by her poise, warm-heartedness, and her obvious intelligence. But she had her boyfriend with her, and I still saw myself and Nili as life partners. Now, she was beginning her studies at Hebrew University as well, and, in a way, it was again Nechemia

Cohen who brought us together. Since his death, those of us who knew him from the sayeret had been looking for a fitting way to remember and to honor him. We finally decided to set up a living memorial in his name: a Moadon Sayarim, a center to train young people from all over Jerusalem in scouting and navigation. We spent six months getting it up and running, and Nava pitched in with the work.

It wasn't until a few months after I heard of Nili's engagement that I finally asked her on a date. We were in the university library, which had a space where you could listen to tapes through headphones. I would go to hear classical music. Nava was studying English literature, and I'd sometimes see her there, engrossed in recordings of Shakespeare with the text of Hamlet or Macbeth in front of her. Since I wasn't shackled by the need to follow the alacks and alasses, I read the newspaper as the music washed over me. I turned to the movie section. I circled three films, drew a question mark in the margin and passed it to her. She looked puzzled for a second. Then she smiled and put a checkmark next to one of them.

While we came from different backgrounds, the gap was narrower than it had been with Nili. Her parental home was in Tiberias. Her parents were from old Sephardi families, with a centuries-long history in Palestine, and were also solid Ben-Gurion Labor supporters. Her father had fought in the British army in the Second World War. He now ran the branch of Bank Leumi in Tiberias. Her mother ran a shop in what was then the city's best hotel, the Ginton.

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We were married there, in the spring of 1969. My parents and brothers came with two busloads of friends from the kibbutz. Avraham Arnan was there, of course. But Ahraleh Yariv and Eli Zeira, two of the military intelligence heroes of the Six-Day War, also drove up for the wedding, which touched both Nava and me, not to mention her family and our guests. Years later, as I rose higher in the ranks of the military, I would sometimes be invited to weddings by officers under my command. Remembering how much we appreciated Ahraleh's and Eli Zeira's gesture. I always said yes.

* * *

It was only weeks after our wedding that I formally returned to Sayeret Matkal. Both Nava and I were aware of the additional pressures my military commitments might place on our family life. But she understood why I'd chosen to go back, and was supportive. As for me, I was, if anything, more certain that I'd made the right decision. Israel was clearly facing a whole new set of challenges to its security. Given the decisiveness, and speed, of our victory in 1967, there seemed no immediate danger of Egypt's risking another full-scale war. In Israel, where Golda Meir had become Prime Minister after Eshkol's death from a heart attack, there was also little appetite for returning to the battlefield. Yet the post-war skirmishes with the Egyptians along the Suez Canal had escalated into far more than that: what would become known as the War of Attrition. Nor could there be any doubt, after Karameh, that Fatah's influence, militancy and determination would only grow, not least because even more radical factions within the PLO were ready to step into the breach if Arafat faltered. Israel needed to find an answer for all these threats.

Uzi Yairi's term as Sayeret Matkal commander had by now ended, but his successor was someone I knew well. Menachem Digli was the officer on whom I'd bestowed my stolen Syrian Mercedes at the end of the war. His leg was now recovered from the motorcycle accident, and I returned to the sayeret at his deputy. He delegated full responsibility to me for operational issues. I believed that the new kind of challenges we were confronting, particularly the prospect of intensified attacks from the new generation of Palestinian *fedayeen*, meant that the sayeret would sooner or later have to broaden its reach, moving beyond the kind of intelligence operations we'd done before the 1967 war to become the SAS-like special forces unit Avraham ultimately envisaged. But that was not

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going to happen soon, if only because the intelligence missions now required were going to be a lot tougher. Israel now had control of the entire Sinai and the Golan. To tap into enemy communications, we would have to push deeper inside Egypt and Syria.

Soon after my return, we began planning the sayeret's most ambitious mission so far: targeting the main communications system between Suez City, at the southern end of the canal, and Egyptian military headquarters in Cairo. We were obviously going to have to go in by helicopter. But we faced not just the risk of being spotted on the way in. The buildup of Egyptian forces along the canal now included Soviet-made anti-aircraft missile batteries. We might easily get shot down.

The mission struck the generals in the kirya as so risky as to border on the insane. But I was confident that we could make it work. I began talking to the few senior air force officers who seemed more receptive, as well as to officers in the helicopter units. Not only had I flown into the Sinai on earlier missions. I now also had a physics degree. Together, we developed a plan – using the desert terrain, and drawing on the helicopters' maneuverability – to calculate a flight route that could avoid detection by Egyptian radar. As an extra fail-sale, I proposed using three helicopters, and three sayeret teams. Two would fly slightly higher, with the express aim of getting spotted, but still evading missile fire. They would land far away from the real target of the operation. The main team, with me in command, would also stage a pair of diversionary attacks: planting explosives on a high-voltage electricity cable, and on the main oil pipeline from Suez City to Cairo.

Still, for many weeks, the answer from the *kirya* was no. The man who had succeeded Rabin as chief-of-staff after the war, Chaim Bar-Lev, dismissed it as "a plan built on chicken legs." In the end, what got us the green light was a further escalation, on both sides, in the War of Attrition. In January 1970, Israeli warplanes began a series of deep-penetration bombing raids, for the first time striking targets dozens of miles, in some case hundreds of miles, back from the canal. The Israeli bombing campaign reduced the chance we'd get shot down and provided cover for our operation.

Our helicopters took off after sunset, nearly skimming the water and peeling off in separate directions on the far shore. The other two aircraft headed 120 miles to the south. I led the main team of ten men. We set down a few miles south of the road from Suez City to Cairo. We unloaded a pair of Jeeps, drove off, and within an hour had placed our time-delay explosives on the electricity

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tower and the pipeline. But when we reached the site of the underground communications cable, the mission literally ran into the ground. We dug for more than two hours, but still hadn't found the cable, and our mail-order metal detector stubbornly refused to chirp out any sign of it.

Just when I'd decided to call the helicopter back in to get us, it finally peeped a faint signal. I still wasn't convinced, but as we manipulated it back and forth, it got louder. Still, my instinct was to abort. We'd placed the explosives on the electricity tower and the pipeline. That would at least divert attention from our real mission, which meant we could return in a few months and have another attempt. After all, the part of the operation that had been causing the most concern in the *kirya* – our ability to get deep inside Egypt undetected – had succeeded. We were nearly three hours behind schedule. Unless we worked a lot more quickly than planned, by the time we installed the communications intercept and covered our tracks, it would be daybreak.

Digli and several other sayeret officers were following the mission from their command post in the Sinai, part of the intelligence base our military engineers had built after the war into a 2,400-feet-high mountain called Gebel Um-Hashiba, 20 miles back from the Suez Canal. When I radioed in to tell him I'd decided to abandon the operation, I could hear the surprise in his voice, and what seemed reluctance as well. "If that's your judgement…" he said. But before I could reply that, yes, I felt withdrawal was the wisest course, I heard him speaking to someone whose voice I also recognized: Avsha Horan. He was the soldier on guard duty in the command post for our first intercept operation in the Sinai, the one who'd told me of how Rabin was chain-smoking and biting his nails when it appeared we might be in trouble. Now, he was a sayeret officer. Digli came back on the radio. "We can see more from here," he said. Then, pausing, he added: "Avsha says he thinks you can still do it."

I had grown to respect Avsha's judgement. And while Digli hadn't explained what "more" they saw from the command post, I assumed that, since they were also following the other helicopter teams further south, they were concerned that the Egyptians had figured out at least that Israeli units were involved. Both he and I knew that it ultimately had to be my call. Whatever happened, I'd be responsible. Yet I realized that discussing it further would change nothing, and time was now what mattered most. "We'll do it," I told him, and signed off.

We'd planned for the cable work to take something like five hours, which I knew we couldn't afford. With all of us pitching in, sweat drenching our "Egyptian" uniforms, we managed to finish in slightly less than four. But we

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were still behind schedule. Dawn was 25 minutes away. I radioed the helicopter pilot with a new pickup point, closer to where we'd installed the equipment though still far enough, I hoped, to avoid giving away what we'd done. Still, we barely made it. The sun was rising as the chopper began weaving among the dunes and wadis on the flight back to Israel. Looking back, we could see flames leaping up from the oil pipeline in the dim, dawn light.

There could be no doubt the prize was worth it. By the time we returned, the receiving equipment at Um-Hashiba was, for the first time, picking up real-time communications at the highest level of the Egyptian military. With the War of Attrition showing every sign of getting even fiercer, it was a criticial intelligence advantage. When we landed, not only Digli, but Ahrale Yariv were there to meet us. Digli, smiling broadly, handed me a small cloth insignia. "You've earned it," he said, adding that Bar-Lev himself had endorsed my promotion from captain to major.

* * *

With the Cairo-Suez mission, and a series of other operations I helped run nearer to the canal, there now seemed every possibility that I would be chosen to succeed Digli as commander when his term expired. But that was still more than a year away, in the spring of 1971. With his agreement, I decided to use the time to do what Eli Zeira had advised me before I made my decision to return: to get experience in the regular army. The War of Attrition had created a demand for qualified officers who could command tank units, since they were playing a key role against the Egyptians along the canal. Along with about a dozen other middle-ranking officers who had volunteered to move into the armored corps, I embarked on a course covering every facet of tank warfare: how each system on an individual tank worked, how to pilot one, load in the shells, and then calibrate its main gun, aim and fire. We studied communications protocols, even tank maintenance. We were taught how to command an armored platoon – a group of three tanks – and then an armored company of eleven tanks and APCs. Finally, in July 1970, we were given command of actual companies, with the aim of deploying us against the Egyptians.

My company was part of Brigade 401, in the Sinai. It was one of the several armored forces that were rotated, every three months, into action on the front

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line. In a stroke of good fortune, the brigade commander was Dovik Tamari, Avraham Arnan's first successor as commander of the sayeret. While we waited our forward deployment, due in September, he included me in his discussions with his senior officers on tactics and planning. This inevitably included the core of our existing strategy: a line of fixed fortifications which we had built on our side of the canal after the war. They were known as the Bar-Lev Line, because the chief of staff ultimately had to sign off on them. But the main impetus had come from Avraham Adan. A former Palmachnik, known as Bren, he was the overall head of the armored corps.

There were strong critics of the Bar-Lev line, but few more vocal than Arik Sharon. The very qualities that had made him the perfect choice to lead Unit 101 and its successor commando units – a natural instinct to favor bold, preemptive attacks, allied with an absolute confidence in his own judgment and little time for those who challenged it – had stalled his rise up the military ladder for a few years. But now he was head of Israel's southern command. He was convinced that in the event of another full-scale war with Egypt, the Bar-Lev line would be worse than useless. We'd find ourselves forced to defend a string of fortifications that could serve no real purpose in repelling a concerted Egyptian attempt to retake the Sinai. Arik's preferred strategy was to let the Egyptian troops cross the canal and then confront them on terms where Israeli forces had a proven advantage: a mobile battle in the open desert.

When the debate came up in our brigade strategy discussions, I said I believed Arik was right. From our recent sayeret missions, I said there was no way the Bar-Lev fortifications could protect us. I knew how easy it had been for us to operate unseen between Egyptian positions across the canal, and they were only a few hundred yards apart. On some parts of the Bar-Lev line, there were six or seven miles between outposts. A whole Egyptian brigade could pass through.

Very few in the *kirya*, however, seemed ready to recalibrate our strategy against the Egyptians. Only later, when the damage had already been done, would it become clear that the navy was alone in acting on lessons learned from the fighting since the 1967 war. Having lost its largest warship to a more mobile Egyptian missile boat at the outset of the War of Attrition, it began focusing on deploying mobile missile boats of its own. But the air force was showing no sign of dealing with the implications of the Egyptians' increased anti-aircraft capability – even though we'd begun losing planes and pilots to the new surface-to-air missile batteries Nasser had received from the Soviets. And I

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could see that a similar myopia, or denial, was affecting the armored corps. On patrol along the canal, I would sometimes see the hulk of an Israeli tank which had been destroyed by Soviet-made AT-3s. Known as Saggers, they were portable, allowing a single soldier to fire wire-guided missiles. Their range was nearly a mile-and-a-half, which was more than the main guns on our tanks. Yet no one appeared to have addressed the question of what would happen if the Egyptians used Saggers on an even greater scale in a future war.

I remained in the Sinai through early 1971, but never led my tank company on combat operations. By the time we were due for our deployment, the War of Attrition was suddenly over. Neither we nor the Egyptians wanted a return to full-scale war. With Washington taking the lead, a cease-fire was agreed. Both sides claimed victory. But both were exhausted. Certainly, most Israelis had ceased to see a compelling reason for the 1,000 days of fighting. We had lost about 900 dead: more than in the Six-Day War.

But in one respect, the Egyptians won. Under the terms of the truce, their anti-aircraft batteries were barred from a roughly 30-mile strip along the canal. Within days of the truce, however, Nasser began moving his SAM batteries forward. Before long, there were nearly 100 missile sites in the "prohibited" zone, giving the Egyptians control of 20 miles or more of the airspace on our side of the canal. Golda was incensed. So was Bar-Lev. But there was no way, and no will, to reopen the fighting and force Nasser to move the missiles back.

The cease-fire took effect at midnight on August 7, 1970. I've never had trouble recalling the date, because of a phone call almost exactly 24 hours later. It was from my mother-in-law, to tell me Nava had gone into labor with our first child. Since I was due for deployment on the front line, we had agreed weeks earlier that the best thing would be for her to have the baby in Tiberias, so her parents could be with her. Now, I got a Jeep and raced north. I reached Tiberias the next morning. I opened the door to the hospital room and saw Nava, obviously tired but beaming, cradling our daughter Michal in her arms.

I managed to stay with them for several days before returning to the Sinai. With Nava and Michal soon settled back into our apartment in the north Tel Aviv neighborhood of Ramat Aviv, I made weekend visits home whenever I could. Still, I saw nowhere near as much of our daughter's first few months as most fathers. As Nava and I would discover even more jarringly over the next few years, that was an inescapable part of being an army officer.

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But at least my next posting was closer to home. It was only 20 minutes from our apartment, on a former RAF base not far from Lod airport. On the First of April 1971, I was promoted from major to lieutenant-colonel, and given the assignment which, more than any other, I'd hoped for when I returned to the army.

I became the commander of Sayeret Matkal.

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Chapter Eight

It was the same jumble of buildings in the same corner of the base where I'd reported a decade earlier, as a 19-year-old fresh from *tironut*, when the sayeret was still a gleam in Avraham Arnan's eye. Now, I was about to become the first of his successors to have been chosen from within the unit itself. As I called together the officers that first morning, I couldn't be sure whether I would make a success of my two years in command. But I did know what I hoped that I, and we, would accomplish: to complete Avraham's vision. To forge a true special-forces unit, at a time when the threats facing Israel seemed increasingly to demand one.

Avraham's initial hopes and expectations for the unit had been more than met. Sayeret Matkal had played the key role in erasing the traumas of Uri Ilan and Rotem, and restoring the morale and effectiveness of Israeli military intelligence. Time and again, operations which we *said* we could do – dismissed as too dangerous, or impossible, by others – proved achievable. Yet as I now told the team leaders and our other officers, this was no longer enough.

Our intelligence operations still mattered. In fact, we would have to "push further" across Arab borders, deeper into enemy communications systems. Our intercepts had given Israel an important edge in the Six-Day War. I assumed – though naively, it would turn out – that they would be put to use in any future war. But if the sayeret was to retain its unique role, we had to become a *fighting* force as well. One reason, I didn't even have to mention: we all remembered our frustration in 1967, when we'd been little more than bit players in the most important conflict since the establishment of the state. But for me, the main argument for change was what had happened *since* the 1967 war: the fact that Israel was facing a new range of security challenges which other army units, trained to engage and defeat enemy troops on the battlefield, were not equipped to meet.

In the War of Attrition, we might not have lost a single inch of territory. But we *had* lost tanks and planes. Israeli soldiers and pilots were being held prisoner in Egypt and Syria. Arafat's Fatah and the other armed Palestinian groups might not present a *conventional* threat. Yet while I'd been with my tank company in the Sinai, they were fighting a full-scale civil war against King Hussein's army in Jordan. The catalyst: a multiple hijacking in September 1970, a sign that they were turning to *non-conventional* warfare, and to acts of terror.

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"We're not starting from scratch," I assured the sayeret officers, and I could see some of them nodding in agreement. We had a proven record of success, under Avraham and the four other commanders before me. We would be able to rely on the qualities that had proved our doubters wrong in our first intelligence missions. "We have to stay true to the *spirit* of Sayeret Matkal," I said. Every one of the officers knew what I meant: teamwork, the way we valued brains and creativity, more than formal lines of authority. The rigor we applied to training for, preparing for, and executing each mission. And, no less importantly, to criticizing, and trying to fix, everything that had gone wrong on an operation, or we'd failed to anticipate.

Though I expected to be leading many of the operations myself, I knew that we'd succeed or fail on the strengths of the officers around me. I was incredibly fortunate on that score. Some, I already knew well from my time as Digli's deputy. Smart, self-confident, *self-starting* officers like Amiram Levin, the stocky kibbutznik from the north with whom I'd worked most closely and most often as deputy. Avshalom Horan – Avsha – who'd convinced me to risk completing the mission on the road from Suez to Cairo. Giora Zorea, who, like me, had come up through the unit and was one of our most experienced team leaders. And Danny Yatom. Born not far from Mishmar Hasharon, but a city boy, from Netanya, he was smart, level-headed and a sure-handed organizer, and with whom I'd somehow clicked from time he arrived in the sayeret. I made him my deputy for my first year in command.

There were two others as well, both related to Moshe Dayan, but with a self-assurance all their own: Uzi Dayan, the son of Moshe's brother, who had been killed in the 1948 war when Uzi was only months old; and Mookie Betzer, who was married to Uzi's cousin. I'm not sure which of the two joined the sayeret first. Mookie, I believe. But their family ties, far from extraordinary, were part of how Sayeret Matkal had developed from the start. It had been friends bringing friends. But also, not infrequently, a cousin bringing a cousin, or a brother bringing a brother.

This was the case with two other officers, whom I knew less well at first but who would become key members of my team. In their case, it was the younger one who joined first. Binyamin Netanyahu – Bibi, as everyone called him – had been a member of Amiram Levin's team when I was Digli's deputy. He'd also been a part of one of our several – thankfully harmless – failures along the canal at the beginning of the War of Attrition. The plan was to cross in rubber boats held together by nylon cord, with the assistance of *Shayetet 13*, Israel's

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equivalent of the American navy SEALs. But Bibi's dinghy got tangled up, and he found himself in the canal, being tugged down by the current. Only the SEALs, and Bibi's mix of calm and endurance, averted disaster.

When I returned as commander, Bibi had gone through officers' school and was given a team of his own, making him one of half-a-dozen core, operational officers with whom I worked from the planning stages of every mission, through the training and the operation itself. Especially with Bibi, since he was newest to the role. He was smart, tough and, even by sayeret standards, supremely self-confident. It also was clear that he understood my determination to build the unit into a military strike force – which was one reason why he urged me to bring in his older brother. Bibi was 22 at the time. His brother – Yonatan, or Yoni – was 25. He had led a company of paratroopers in the 1967 war, before going off to university. He'd taken a bullet in the elbow while helping to rescue one of his soldiers behind Syrian lines on the Golan. "He wants to return to the army, and he's exactly the kind of officer you want," Bibi said.

I brought Yoni in for a chat. Over the next several years, I would get to know him much better, becoming not just friends but neighbors, when he bought a flat a few floors up from ours. But even in this first meeting, I found him a contrast to his younger brother. Bibi was practical, detail-oriented. Yoni was a more complex character. He was interested in history, and philosophy. He wrote poetry. He would sometimes feel the need to get off by himself, and just think. He was a man of action, too. Taller and trimmer than Bibi, with a thick thatch of dark hair swept back from a craggy face, he was the Central Casting image of a soldier. He also had real, battlefield experience. Not only did I invite him to join Sayeret Matkal. I put him in charge of our training teams. When Danny Yatom left the following year to train as an armored officer, I made Yoni my deputy.

However different in some ways, the Netanyahu brothers were close. They seemed almost driven, to excel and to succeed. As I got to know them both, I sensed that the drive did not come merely from within. It came from their upbringing, their family background, and in particular their father. Ben-Zion Miliekowsky, as he then was, studied at Hebrew University at the same time as my father, in the early 1930s, and was an impassioned supporter of Ben-Gurion's main right-wing Zionist rival, Ze'ev Jabotinsky. My father remembered him gathering bemused groups of students during breaks from classes, standing on an upturned wooden box, and proclaiming that the Arabs would *never* willingly accept a Jewish state. Long before the 1948 war, and

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nearly four decades before our capture of the West Bank in 1967, he insisted that we needed to create a Jewish state in all of biblical Israel: from the Mediterranean to the Jordan River.

It was through Bibi and Yoni that I got to know their father. After 1948, he had led a frustrating existence. A specialist in medieval Jewish history, he could not find a place on the faculty at Hebrew University. He was convinced, perhaps with some reason, that his outspoken advocacy for Jabotinsky's Zionism in a country defined by Ben-Gurion's had frozen him out. He left to pursue his academic career in America, where both Yoni and Bibi spent much of their youth. He always remained bitter about what he felt were unfair, politically inspired, roadblocks to his academic advancement in Jerusalem.

Though he would eventually return to Israel, he was teaching at Cornell when his sons became officers under my command in Sayeret Matkal. So there was a *physical* distance between father and sons. But what struck me was how large the father loomed in both of their lives. There was an almost adolescent admiration, bordering on worship. I remember once remarking to Nava that it was as if, despite all their physical self-confidence, Bibi and Yoni were tethered to their father by some mental umbilical cord. They seemed weighted down by a struggle to live up to his expectations, to right the "wrongs" done to him, and achieve the advancement and success which the young State of Israel had denied him. In a poignant postscript, decades later when Bibi first was elected Prime Minister, Ben-Zion was asked by a journalist for his reaction. "He would make a very good Minister of *Hasbarah*," he replied, a Hebrew word which translates as something between public relations and propaganda. "Or Foreign Minister." But how about *Prime Minister*, the reporter pressed. Ben-Zion replied: "Time will tell."

* * *

Even as we mounted intercept operations deeper into Egypt and Syria, I made sure that we trained as if we were already the broader strike force I hoped Sayeret Matkal would become. We mapped out plans for commando operations against the new kind of security challenges the country faced. We worked in detail on how we'd carry them out. We prepared rigorously to make sure we'd be ready. Yet no matter how proficient we got, there was no guarantee it would actually happen. A bit like Avraham in the unit's infancy, I had to deal with the

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frustration of trying to convince the generals in the *kirya* to give us the go-ahead. Some of them agreed Israel needed a specially trained commando force. But not everyone felt Sayeret Matkal could, or should, take on that role. Rafael "Raful" Eitan was perhaps the most strident. He had fought with the Palmach in 1948. He was an officer in Unit 101 and a commander of the parachutists' Battalion 890. He was now *katzhar*, in overall charge of all infantry and paratroop forces. He insisted that such work required a *real* sayeret, by which he meant the paratroopers.

Yet the need for a special-forces unit was becoming increasingly hard to ignore. By the summer of 1971, a couple of months after I became sayeret commander, King Hussein's army had defeated the insurgency of Fatah and a pair of even more militant partners, the Democratic Front and the Popular Front for the Liberation of Palestine. That meant a quieter eastern frontier. But the Palestinian groups rebased across our northern border in Lebanon. When Jordanian Prime Minister Wafsi al-Tal was assassinated, it proved to be the start of a series of killings and terror attacks by a new group within Fatah, called Black September. There was at least some potentially encouraging news from Egypt. When Nasser died in September 1970, he was succeeded by a less flamboyantly militant vice-president, Anwar Sadat. Yet in both Egypt and Syria, a number of our air force pilots were still being held prisoner.

I felt an especially strong motivation to help bring the pilots home. They had risked their lives for us. It seemed to me we owed them the same. One of the men being held in Syria, Pini Nachmani, had a personal connection to many of us in the unit. He had worked with us on sayeret missions. I came up with a plan that, while undeniably risky, seemed to me to have every chance of success. It was to abduct a number of Syrians from an officers' club on the western edge of Damascus. We would land in transport helicopters a few miles away and unload a pair of armored cars captured in 1967. But Raful's view prevailed. I could not get the approval of the *kirya*. I did take heart from Avraham Arnan's support. He was now Golda Meir's counter-terrorism adviser. Also from the fact that Chaim Bar-Lev's successor as chief of staff was an old friend of the sayeret: Dado Elazar, Avraham's Palmach comrade from 1948. Yet winning over the remaining doubters in the *kirya* was obviously going to take time.

As so often during my years in uniform, however, Sayeret Matkal's birth as a special-forces unit came by force of circumstance: not in an officers' club near Damascus, but a few miles away from our base, on a runway at Lod Airport.

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I was sitting down to dinner with Nava a little before seven on May 8, 1972 when the phone rang. We'd just fed Michael, who was almost two, full of energy, and showed no sign of wanting to go to bed. "It's Manno," said the voice on the line. Brigadier General Emanuel "Manno" Shaked was Dado's chief of operations. "A plane has been hijacked," he said. "It's heading for Lod. It will land in about 30 minutes. They've got hostages. Get to the airport. Dado and Dayan are on their way."

I called Danny Yatom and told him to get whoever was at the sayeret base to Lod as soon as possible. But most of the men were on training exercises, including one team with Yoni deep in the Negev Desert. He immediately began calling them back. When I got to the airport, I found Dayan and Dado huddling in a room below the control tower, unfurnished except for a small table in the corner. Talik was there with them. He was now head of all military operations in the *kirya*. Rechavam Ze'evi as well, the head of the central command area, which included Tel Aviv. So was Ahrahle Yariv, who had succeeded Meir Amit as head of military intelligence, and nodded glumly as I joined them.

The plane had landed. A Sabena Boeing 707 bound from Brussels to Tel Aviv, it had been hijacked after a stopover in Vienna. All we knew at this point was that the hijackers were Palestinians and that there were about a hundred passengers on board. Dado said that, while we figured out how to respond, we had to make sure, at all costs, the plane didn't take off again. It would presumably go to an Arab country, where we'd be powerless to act. Though only a handful of my men had arrived, I took the only officer who had, Shai Agmon, and an El Al engineer to see whether we could disable the hijacked jet. It was parked well off from the main terminal area. With the El Al man leading the way, we approached from the rear, crouching low, hoping the hijackers wouldn't spot us. The engines were still running, but at least the deafening noise kept anyone from hearing us as we ducked under the fuselage and the engineer removed a stabilizing pin from the front wheel. It was an eerie feeling, envisaging the captive crew and passengers, and the terrorists, a few feet above our heads but knowing we were powerless to do anything more to help.

Manno had called me not because I'd won my argument to expand the role of the sayeret. It was the luck of the draw. With the growing threat of terrorism, the *kirya* had drawn up a list of installations which might be targeted. Next to

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each, they'd put the name of the military unit to be called up in an emergency. We'd been allocated Lod Airport, because our base was just 15 minutes away. Still, as I accompanied the engineer back to the control tower, I tried to work out in my mind whether we could plan, prepare and train quickly enough to mount an operation to free the plane later that night.

More than a dozen members of the unit had now arrived, and more were joining us every half-hour or so. I arranged for El Al to give us a hangar and a 707 identical to the Sabena plane. Shai, Danny Yatom and I took two airline technicians with us for a closer look at the Boeing. We studied up on it as quickly as we could, beginning with the cockpit and the front door, which we saw was too high to reach without a large ladder. But making our way back, we realized the wings were low enough to climb on to. When, with the help of Danny, I clambered onto one of them, I managed to get one of the emergency doors to open by banging hard on the top end with my open fist. I asked the technicians whether we could expect the Sabena doors to give way as well. Yes, he said, but he cautioned me that on some airlines, there were passenger seats next to at least one of the two doors above each wing.

Walking up into the cabin, I tried to work out how we might attack the hijackers before they were able to harm the passengers, or us. The risks were obvious. But I felt we had to be ready to act. With the rest of the sayeret still making its way to Lod, I put Danny in charge of briefing the new arrivals, familiarizing them with the 707 and preparing for the possibility of an assault operation. I also told him to get hold of a couple of dozen small, 22-caliber, Beretta pistols. I couldn't see how we'd manage to make our way onto the plane with Uzis. We knew we'd have to get up to speed quickly on using the Berettas. None of us had trained on them. But many of the air marshals on board El Al flights were Sayeret Matkal reservists, and they did use Berettas. I told Danny to check for any sayeret marshals arriving on El Al flights and get them to join us.

As I headed back to see Dado, we were nowhere close to a detailed plan on how to confront the hijackers. Nor did we have any orders. The people who would give them – Dado, Dayan and ultimately Prime Minister Meir – were still deciding how to respond. But when I reached the control tower, at about 9:30pm, the order came, if not to mount an operation, at least to make sure the sayeret was ready. "Talk to Talik," Dado told me. "See what the options are to take over the plane if that's the decision." I sat down with Talik and ran through what I'd learned from my brief look at the hijacked plane and the work we'd

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been doing on the Israeli 707. I told him I'd need another two hours to make sure my men had practiced climbing up on the wings and forcing open the doors, and another hour for preparations and briefings for the teams who would be participating in the operation. "By about half an hour after midnight, we'll be ready to deploy," I said, though from his stoic, nearly silent response I couldn't be sure whether he was in favor of an assault. "By 0100, we'll be ready to act."

Both of us went back to see Dado. He seemed encouraged, especially when I said we'd be ready to move by one in the morning. He told me the pilot of the plane had been in contact with the control tower. He was an RAF veteran and, though the terrorists seemed unaware of this, he was also Jewish. The hijackers were demanding more than 300 Arab prisoners be released and flown to Cairo. "And they seem quite nervous."

Returning to the hangar, I sent Shai Agmon with four soldiers to set up a lookout and sniper post about 70 yards to the side of the Sabena jet. I told him not to open fire unless they were sure there had been shooting inside the plane and could positively identify an armed hijacker. By now, we had three dozen soldiers and officers, including Uzi Dayan and his full team. I took all those who were already briefed and divided them into four groups, each with an officer and five soldiers and assigned to deal with one of the wing doors. I left the others to continue training.

When midnight came, I was far from certain we could meet the 12:30 am deployment target I'd given Talik. Incoming flights had stopped for the night, and we still hadn't managed to bring in any air marshals. I believed they would give us a crucial advantage. They knew Berettas. They also knew the inside of a 707. But I was worried about losing Dado's trust in a sayeret operation if we failed to meet the timeline. From Shai's lookout post to the side of the plane, I learned that the front cabin door of the plane was open. He said he'd seen a couple of hijackers walking by it, silhouetted by the dim cabin light. But otherwise, there was no sign of activity inside. I called Talik and told him I was taking my assault teams to the area behind the plane. About a half-hour later, I confirmed we were ready to begin the operation. Although the plane's engines were off now, our approach had been masked by the drone of the generator brought in to supply power to the cabin. We were lying face-down on the tarmac, directly behind the tail of the plane but well back. Two rows of 12 men, plus me and a soldier in charge of the communications. We'd brought along four small ladders to help us onto the wings. "We want to exploit the darkness, and the sound of the generator, to cover us," I said in my final briefing before

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we'd left the hangar. "If they realize we're there, we get into the cabin as quickly as possible, any way we can. The first five seconds will ne critical. Act decisively," I told the men. "Assume that everyone else will be doing the same. Trust your instincts. You are *trained* for this."

But more than an hour passed as we waited for the green light to storm the plane. My main concern wasn't that the hijackers would see us. There seemed little reason to believe one of them would suddenly decide to take a walk in the middle of the night. But sunrise was around five in the morning, and there was no way I could see mounting our assault in broad daylight. If we didn't get the go-ahead soon, the chance would be lost. I called Talik several times, making the point that if we *were* going to do it, we needed to use darkness as an ally. The sayeret was a breed of night animals. Other people, even terrorists, would be less alert and effective at night. But he kept saying he needed more time.

Finally, an hour before sunrise, he called back. "The big boss is on his way," he said. I left the others and crept back to meet the Defense Minister, a good eighty yards from the plane. Dayan greeted me with a whispered hello. In a way, his arrival reminded me of my first operation in the sayeret when, before heading north to the Golan, I'd been summoned to brief Tzvi Tzur, the chief of staff. Tzur had seemed less interested in the details than in confirming that *I* was confident the mission would work. Dayan, of course, had as much operational knowledge and experience as anyone in Israel. Yet it seemed to me that he, too, wanted to satisfy himself that I honestly felt we were in a position to succeed. Especially, though he never so much as hinted at this, because two of the officers I would be taking in with me, Uzi and Mookie Betzer, were members of his family.

"How do you plan to do it?" he asked. I explained how we would get into the plane simultaneously, in four teams, and confront the hijackers. I said I was confident we'd succeed, especially since darkness gave us an element of surprise, and the terrorists were bound to be tiring. "We can do it," I said. "Better now than in daytime." Dayan merely nodded. He stood there, silent, for another few moments. "I'll let you know," he said, then shook my hand and returned to the control tower. But fifteen minutes later he sent his reply, via Talik. It was brief and explicit: "Not tonight."

For the first but not the last time in uniform, I felt the frustration of finding my preparation and judgement trumped, without explanation, by a decision from above. When I got back to the control tower, I made no attempt to hide my view we should have moved against the hijackers while we had the chance. But

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Dado sat me down and filled me in on what was obviously a changing situation. He said the terrorists had allowed the pilot, Reginald Levy, to come see Dayan and press their demands. He had brought with him a slab of light-yellow material to demonstrate the seriousness of the risk of saying no. When tested, it turned out to be exactly what the hijackers said it was: plastic explosive.

The pilot said there were four terrorists: two men with pistols and two women with explosives and grenades. There were 95 passengers and seven crew. He'd also confirmed that none of the exits above the wings was blocked by a passenger seat. He'd returned to the plane without any clear answer from Dayan on the prisoner release. But before leaving, he revealed that his own wife was among the passengers. He asked Dayan to promise that Israel would help care for their daughter if the hijack ended tragically.

By the next morning, that was looking more and more likely. Though the hijackers were still in contact with the tower, the only visible movement was the arrival of a representative of the Red Cross. The lead hijacker, who called himself Captain Rifa'at, was making increasingly forceful demands for the prisoner release. Our negotiating team did its best to buy time by giving the appearance we were considering the demand. It was Dayan who came up with the idea of going further. He told Rechavam Ze'evi, as the head of the central command area, to begin rounding up hundreds of young Israeli reserve soldiers. He wanted them dressed them in prison uniforms, and then bused to the airport, within sight of the hijacked jet. Dayan also arranged for another Boeing 707, ostensibly to take the "freed prisoners" on to Cairo.

"What then?" Ze'evi asked Dayan. "We're not really going to put them on a plane and take off!"

It was after he'd had no real reply that he in effect answered his own question, inadvertently leading us to the idea of attempting a daytime attack after all. Talking to Dado and me, he said: "Since we're going to such lengths to deceive them, why not just add another layer? Why can't Ehud's people take the role of the airport mechanics?" Looking at each other, Dado and I realized it was a stroke of brilliance. Dado went to share the plan with Dayan, confident that he would be no less enthusiastic, which he was. I remained with Ze'evi and his deputy to work out the details. We agreed they would take care of the pantomime with the prisoners, as well arranging for El Al to get us the ladder trucks that airline maintenance crews used, which would allow us access to the Sabena jet's front and rear doors as well. That left me free to concentrate on preparation and training.

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We had just a few hours to adapt the original plan. Although we'd trained in close-quarters fighting for my plan to attack the officers' club near Damascus, we'd never had to use that skill in a live mission. Nor had we ever used the Berettas. While we'd disguised ourselves as enemy soldiers or military police on our intelligence operations, this would be the first time we were taking on the persona of civilian engineers, with the need to fool armed terrorists on the lookout for any sign of danger or betrayal. And for the first time in *any* of our major operations, we would be operating in daytime.

Now that nearly all our soldiers and officers had arrived, I began arranging the final line-up of attack teams. We would need six rather than four, since the new plan would give us access to the front and rear doors. Danny now also told me that a couple of the El Al technicians had shown him a way of climbing up from inside the nose wheel into the cockpit. One of the toughest and strongest of our soldiers, Uri Koren, had tried it successfully on the El Al 707. I told Danny, Uri and another officer that they would be assigned to attack through the front door and the nose wheel. I put Uzi Dayan in charge of the tail door. The emergency doors above the wings, however, still gave us the quickest way in. I planned to command the operation from the left of the aircraft, because both the front and tail doors also faced that way. I entrusted Bibi Netanyahu and his team with breaking in through the main wing door on the far side of the plane.

By noon, we got a further boost. With the resumption of incoming flights, we began collecting air marshals. One in particular raised my confidence. I knew Mordechai Rachamim well from the sayeret. He was a Yemeni Jew from Elyakhin, the moshav near Mishmar Hasharon where Baddura and the other Yemeni workers lived. He was tall, strong and athletic, naturally agile and quick to respond in situations of danger. He was also no ordinary air marshal. In 1969, he'd been posted on an El Al flight from Amsterdam to Tel Aviv. On a stopover in Zurich, four gunmen from Fatah's main radical rival in the PLO, the Popular Front for the Liberation of Palestine, leapt out of a car, opened fire with AK-47s and began throwing grenades. The PFLP assault injured four of the crew and killed the co-pilot. Armed with his Beretta, Mordechai rushed to the cockpit window and returned fire. Seeing the attackers were too far away, he slid down the emergency chute. Once on the tarmac, he shot one of the terrorists in the head and kept the rest of them at bay.

As additional air marshals arrived, I slotted each of them into an assault team in place of one of our sayeret soldiers. The next to arrive was Marco Ashkenazi, a Cairo-born veteran with whom I'd worked on a mission inside Egypt. I put

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Mordechai on the main left-side wing door, critical for the opening moments of the assault, and added Marco to Bibi's team on the other side of the aircraft.

It was then that Yoni arrived back from Negev. He insisted on being added to one of the assault teams. In one respect, that made sense. He had more battlefield experience than almost everyone in the unit. But there was an unwritten sayeret rule never to place two brothers together in the line of fire. "It's too late," I told him, with an arm on his shoulder. "Bibi has already been training his team." He went off to find Bibi. I thought there was little chance of Bibi standing down, but didn't feel I could stop Yoni from trying. Five minutes later, they came to talk to me. Bibi said: "Yoni wants to replace me. We want you to decide." I assumed both of them knew what I'd say. "Today, it's Bibi," I replied. "But Yoni, this is not our last operation. I will make sure you are there the next time."

The last marshal to join us was a tall, thin redhead we always called Zur. He'd had only 15 minutes to begin training when I got word that Dado – along with Ze'evi and Ahrahle Yariv – were on their way to see a run-through. As they filed into the hangar, I quickly explained the operational plan. I showed them how we would push in the wing doors in, and then ushered them inside the 707. Two minutes later, the emergency-door teams climbed on to the wings. When I gave the agreed two-finger whistle, they stormed the plane. "OK, gentlemen," Dado told the team leaders when it was over. "We've seen what we needed." Before returning to the control tower, however, he took me aside. "You know they have explosives, right?" he said. When I said yes, his tone softened. "You don't have much time, Ehud" he said. "Don't waste it. *BeHatzlakha*." Good luck.

We still had to outfit ourselves in mechanics' overalls, and swap the sayeret's paratroop-style red boots for black ones. I directed all the men to conceal the Berettas on a waist-belt inside their overalls. We got acquainted with our mechanics' toolboxes. Finally we organized our maintenance motorcade: four electronic buggies in front, towing four ladders, two short ones for the wings and taller ones for the front and rear doors. Waiting for the order to move, I said a final few words. Seeing the determination and nervous anticipation on the faces of the men around me, I began by reiterating that the first five seconds would be critical. "We all know that nothing ever happens exactly according to plan. Each and every one of us has to focus on speed, momentum and precision. No one can wait for anyone else to act. From the moment I give the signal, or if we come under fire, each team has to act as if

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they have to accomplish this all on their own. *All* of us must assume that. Keep cool. Stay focused. Rely on your instincts. We're ready for this mission. And we are going to achieve it."

One minute after four in the afternoon, we got the word to go. I was in the lead buggy, consciously trying to look like a civilian, not a soldier. It was about a mile-and-a-half to the aircraft. I glanced back at the others. Like me, many of them had been awake for 30 hours or more, in some cases nearly 48 hours. The air marshals had been plucked off long-haul flights on which relaxation, much less sleep, was not an option. As before any mission, I knew everyone would be thinking about what was about to happen. They also realized that if we failed, the passengers trapped inside the plane would be at the mercy of terrorists armed with AK-47s and explosives. But I was confident that any apprehension would be overtaken by adrenalin when as the assault began.

As we got closer, Shai Agmon radioed me. He said two or three people, not the terrorists, had come out of the plane. One seemed to be the Red Cross man. They were about 120 yards away from the aircraft. As soon as he'd signed off, I got word from the command post in the control tower that it was indeed the Red Cross representative, along with two of the flight crew. They'd been chosen by the terrorists to do security checks on the "maintenance" men.

I brought the convoy to a halt. The Red Cross man gave each of us a fairly cursory body search before waving us on. Then, he got to Bibi. Though I had somehow failed to notice, he had left on his red sayeret boots. In Israel, that was the equivalent of a neon sign saying: "I am a paratrooper." Although the Red Cross man noticed the boots, he at first made no comment. Then, rolling up the pants leg of Bibi's overalls, he saw his Beretta – not inside his waistbelt, but inside the boot. The next thing I heard was an angry spurt of French as the man called the control tower. For a moment, I feared the mission was over, with potentially fatal repercussions for the hostages. But whatever explanation the Red Cross man was given – presumably by Dayan himself, who would not have held back in conveying what was at stake – it dissuaded him from taking further action.

As we were returning to the buggies, the Red Cross man told me that "Captain Rifa'at" had ordered us to pull up to the generator on the side of the plane. Each of us would then have to walk forward and open the front of our overalls so he could make sure we weren't armed. I passed back four orders to the rest of the men. First, with no exceptions, move your pistol to the *back* of your belt. Second: I'll be the first to go through the inspection. Third: watch

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what I do and do the same. Finally, if our cover is broken, or if you hear gunfire, we all storm the plane.

I felt as I always did as an operation was about to begin. Along with the tension, I had a keen awareness of everything happening around me, almost as if I was watching things in slow motion, in high resolution. When our motorcade approached the generator, Rifa'at leaned out from the co-pilot's window. He was pointing a pistol at us. He seemed to be in his late 20s or early 30s. He had dark hair and a moustache and the hint of a stubbly beard. We stopped beside the generator. I got out and walked toward the cockpit, halting about 10 feet away. Looking up the hijacker, I made a conscious effort to appear curious rather than worried. His eyes seemed a mix of intense focus and tension. I opened the front of my overalls. Because of the heat, I was wearing nothing else on top. He nodded his head to signal he was satisfied. I refastened the overalls and moved off. One by one, the other men passed inspection. Then we went back and brought the two smaller ladders to the side of each wing, and the "mechanics" set down to work. I delayed bringing in the large ladders so as to minimize any risk of arousing the terrorists' suspicions.

The fact that at least so far they seemed to suspect nothing was in large part down to Dayan's misdirection plan. As we began working on the plane, the "Palestinian" prisoners were disembarking from buses about 300 yards away. As Rifa'at watched, several hundred men formed long rows. A few of them waved in his direction. The Boeing which was theoretically going to take them on to Cairo, to be followed by the Sabena jet minus the hostages, was being towed into position.

One by one, our assault teams were moving into place. All that remained was for me to give a short, sharp whistle and the attack would begin. Yet just as I was raising my fingers to my mouth, I saw Bibi coming toward me from under the fuselage. He motioned to me to wait. Zur, the last of our air marshals, had a problem. Having spent 10 hours in the air on the way back to Israel, before being immediately plugged into an assault team, he had something to attend to. "He has to take a shit," Bibi said. Can't it *wait*, I asked. No, was the answer. So I said OK, leading to the most surreal "operational" moment I would witness during all my years in the military.

The "prisoner release" was now in full flow. Dozens of military vehicles, and a small army of fire engines and ambulances, had also pulled to the far end of the runway, out of sight of the hijackers, in case our attack on the Sabena jet went wrong. Tel Aviv hospitals were on alert. And Zur was crouching and

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relieving himself. He nodded in gratitude when he'd finished, and returned to Bibi's team on the far wing. I gave him a full minute to be certain he was in place.

Then I whistled. From my initial position beside the plane, I saw Danny Yatom and his team begin to move one of the tall ladders toward the front door. Shifting my eyes toward the wing doors as the "crucial first five seconds" ticked by, I saw both the ones on my side of the plane were still shut. I climbed up on the wing. When I got to the smaller, rear door I saw the main one cave inward and Mordechai Rachamim rush in. But the soldier on the other door was trembling and frozen in place. I slapped him, hard, on the back. "Move!" I shouted. Instantly, he pushed the door in and rushed inside. I then noticed Uzi and his team had still not entered from the rear. I jumped from the wing and ran toward the ladder at the back, but by the time I got there, they had made it inside, and I followed them in.

Everything was over within 90 seconds. As I'd expected, the planning and training turned out to matter less than instinct and initiative. Within seconds, Uri Koren managed to get into the nose-wheel assembly. Though he couldn't dislodge a metal-mesh panel separating it from the cockpit, he spotted the outline of a man's foot above him, fired, and wounded Captain Rifa'at. The other members of Danny's team in front were less lucky. With the ladder, they had no trouble getting to the passenger door, but they struggled to force it open. When they did nudge it open a crack, one of the hijackers opened fire, slightly wounding one of the men and forcing them to abandon the attempt.

Mordechai went in shooting, but immediately drew fire and had to retreat. But Omer Wachman, another air marshal I'd posted on the far wing, was in a couple of seconds later. Coming face-to-face with one of the hijackers, he shot him in the head. That allowed Mordechai to get back inside. He quickly exchanged fire with the hobbled Captain Rifa'at, hitting the hijacker in the side. As Mordechai ducked down to reload his pistol, Rifa'at managed to lock himself inside one of the toilets near the cockpit. Mordechai ran after him. He fired through the bathroom door, then kicked it open and confirmed that he was dead. Rushing back toward the center of plane, he spotted the main woman hijacker, wearing a bulky explosive vest. Grabbing her hands, he reached inside the vest and yanked out the battery pack. With two of the hijackers already dead, Mordechai had now subdued the third. But knowing that there was still another woman unaccounted for, he handed her over to Bibi and Marco Ashkenazi. Bibi grabbed her by the back of her hair, but it turned out to be a

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wig, which came off in his hand. As she began screaming, Marco instinctively struck her across the face, but he used the hand in which he had his Beretta. The gun went off, and the bullet grazed Bibi in his upper arm.

When Uzi Dayan had finally got in through the rear door, he'd run up against a stocky, suntanned man blocking in his way, and fired – thankfully, only into his midsection. He turned out to be one of the passengers, a film-maker from Austria. Still, there was the other woman hijacker to deal with. Several of the passengers pointed to the floor just ahead of Uzi, where she lay curled up, holding a grenade with the pin out. Ordering her loudly, sternly, not to move, Uzi wrapped his hand over hers, extracted the grenade from her grasp finger by finger, replaced the pin, and had one of his men lead her out of the plane and down the stairs.

All the hijackers had been either killed or captured.

Tragically, in the initial crossfire, a 22-year-old passenger named Miriam Holtzberg, had been hit. Although the man whom Uzi had mistakenly shot recovered, she did not. Yet all of the remaining passengers and crew were now free and safe, alive and unharmed.

I felt a mix of emotions when it was over: pride, a sense of achievement against all the odds. And huge relief at having succeeded in ending the ordeal of the captives. Without my saying so, everyone in the unit understood that my inaugural comments as commander, about our need to become a *full* special-forces unit, were no longer a distant wish. Still, I knew this was only one step, and I wanted to make sure we kept our feet on the ground. The day after the Sabena rescue, Israeli newspapers devoted acres of newsprint to how the operation had succeeded. Since Sayeret Matkal's existence was still an official secret, the headline writers called us, variously, a "special" unit, a "select" unit and even in one case, because of our El Al coveralls, "angels in white." We did, briefly, celebrate back at the sayeret base. But as with every other operation, we went through a self-critical assessment of what we could have done better. How, if we had to do another hostage-rescue operation, could we make sure none of the passengers was harmed? How could we improve co-ordination among the assault teams? And minimize the risk of shooting *each other*. Why had I, as commander of the operation, had to wait for someone *else* to suggest the idea of disguising ourselves as aircraft technicians? And why had we failed to train with Berettas and other pistols as well as Uzis?

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They were not just academic issues. Even if we were never again called upon to free a hijacked airplane, I assumed we would face other operations which were equally urgent, without the weeks or even months of preparation we'd always insisted on in the past.

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After the Sabena operation, I emphasized the need for us to be proactive. It wouldn't be up to us to decide which operations to do. But it *was* up to us to take the initiative in identifying and understanding specific threats and framing ways in which we could provide a response. Even before Sabena, barely two weeks had gone by when I didn't go to Eli Zeira, who was in charge of the operations department of military intelligence, with a mission which I felt confident we were ready to carry out. Several of the most complex centered on the new threat posed by Palestinian groups in Lebanon. Before the civil war in Jordan, King Hussein had accused Fatah, the PFLP and the equally militant Democratic Front for the Liberation of Palestine of trying to create "a state within a state" and deliberately weakening his government. Now, they were doing much the same in Lebanon. Their headquarters buildings in southern Beirut were spawning hijackings or terror attacks. From bases in southern Lebanon, the Palestinians were also firing Katyusha rockets into Israel.

One of the operations I planned targeted Arafat. From our intelligence intercepts, we knew that a day or two after a particularly intense clash with Israeli artillery units on the Lebanese border, he would tour the area and meet with his commanders. If we were going to go after him, however, we needed to know exactly when he was coming. Fortunately, the Lebanese authorities tracked Arafat's motorcade on these "review the troops" excursions, reporting how many cars were involved, which one he was in, and their progress. Thanks to previous sayeret missions, we could listen in. In order to ensure the operation would be on our terms, I proposed that a couple of days before we planned to move, Israeli artillery target a Fatah rocket site in an isolated area about ten miles from the border, where there was just a single road in from Beirut. I proposed landing several teams by helicopter the night before. We would lie in wait until the Lebanese army checkpoints reported that the Fatah convoy was on its way. Israeli helicopters and F-4 jets would then cut off the road on both sides, and we would ambush Arafat's vehicle.

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When I took the plan to Eli Zeira, he was reading an issue of the French newsmagazine *l'Express* and snacking on salted almonds from a dish on his desk. As I ran through the reason we'd come up with the plan – the bourgeoning power of Arafat and Fatah in Lebanon – he peered at me over his reading glasses and nodded. As I set out the details of the attack plan, he listened, with no obvious sign of approval or rejection. But after I'd finished, he dismissed it out of hand. He said that Arafat was no longer the battlefield commander whose forces had fought Israel in Karameh. "He's fat. He's political," he said. "He is not a target for this kind of operation."

After the Sabena hostage-rescue, Dado and the other senior officers in the *kirya* did seem more receptive to our trying to initiate operations, especially the plan to seize Syrian officers and trade them for the Israeli pilots. But such a mission required not just military or intelligence approval. Dayan, and possibly Golda as well, would have to sign off, and there was little immediate sign of that. But, once again, events on the ground would force the issue. Early on the morning of June 9, our intelligence intercepts gave us notice that the next day, a group of senior Syrian officers was going to make an inspection visit to the eastern part of the Lebanese border area with Israel. We would have to move quickly. Within the space of 12 hours, we'd need to plan the attack, organize, equip and brief the assault teams, make the three-and-a-half-hour drive north, and cross into Lebanon.

Still, I was determined to try, which marked the start of two of my most frustrating weeks as Sayeret Matkal commander. The place where we planned to abduct the Syrians was an area I knew personally: the sparsely settled strip of land where Lebanon, Syria and Israel met, not far from where I'd helped "capture" several Syrian villages on the final day of the 1967 war. With the convoy expected to pass through the next morning, we crossed the border a little before midnight on June 9. We lay in ambush in dense vegetation a few meters off a curve in the road, further reducing the time the Syrians would have to react once they saw us. I stationed two other sayeret teams a few hundred yards away in either direction, so they could cut off the road once we attacked.

But as the convoy was approaching, I was suddenly contacted by the sayeret officer we'd stationed in the command post back in Israel. He relayed a message from Motta Gur, the head of the northern command. Its intelligence unit said there was a Lebanese Army checkpoint a quarter-mile from the ambush site.

Motta himself was in the south, with Dado, watching a tank exercise. So I had no way of talking to him. I replied through the officer in the command post.

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"Tell Motta we know about it," I said. "We've planned for it. It's not a problem." I figured there were at most four or five Lebanese soldiers manning the checkpoint. The last thing they'd want to do is get involved in a firefight between us and the Syrians. But Motta's reply was unequivocal. The mission was off.

When we'd climbed through a bramble-filled ravine back into Israel, I left a message for Motta. I found it hard to disguise my frustration, and my anger, at being ordered to abort the attack, especially after my assurances that the Lebanese roadblock was not a problem. Yet when we got back to the sayeret base, I realized there was more to his veto than I'd thought. He and Dado had received intelligence saying the Syrians were likely to make a series of further inspection tours of the border area, so this would not be our last chance. The next day, we received word they'd be touring the western part of the border on June 13. On the Lebanese side, it was known as Ras Naqoura, on ours as Rosh Hanirkra, where the Mediterranean coastline rose dramatically to a ridge and, once into Israel, sloped steeply down again toward Haifa.

I took in two main assault teams, one led by Mookie, the other by Uzi Dayan. We hid in a tangle of bushes about halfway along the road which climbed up toward the border ridge. I stationed Bibi and his team at the bottom of the road, equipped with Uzis and rocket-propelled grenade launchers. We waited, knowing that we'd be able to see the convoy as it twisted its way up toward us. Again, I had no direct link to Motta. Yet both he and Dado were following the mission from a command post in northern Israel. We were in nearly real-time contact through a sayeret officer, named Amit Ben-Horn, right across the border.

A first vehicle appeared at around 10:30 in the morning. Bibi radioed us. It was a Lebanese army armored car with a single machine-gun. It drove past and halted 150 feet on, at the point where the road began to climb. The two guys inside took out a small table and a couple of chairs and began brewing up coffee on the side of the road. "All OK," I said when I radioed Amit to tell him. "Pre-deployment." The convoy arrived two hours later and began to climb. "We're taking it," I radioed Amit.

"Wait," he replied. And as I kept pressing him for the final go-ahead, another 30 seconds passed.

"Not approved," he finally barked back at me, clearly wanting to make sure I got the message.

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"What the hell is going on?" I replied, in a mix of a shout and a whisper, since I knew the convoy was getting closer. But within a minute, we spotted the lead Land Rover, which was soon past us on the way up to the ridge. It was followed by two large American cars, with the Syrian officers, and then a trailing security vehicle. It was too late. I was fuming. The convoy had passed within a couple of yards of us, moving slowly because of the incline. But, regaining my composure, I realized we'd get another opportunity, when the officers returned from their inspection visit. We now knew exactly how the convoy was deployed, and with any luck, the security men would be less alert by the end of the day. Even better, it would be beginning to get dark, perfect conditions for the ambush.

But as we were waiting, Amit radioed me with a question from from Dado and Motta. "Where's the armored car?" It's still there, at the bottom of the road, I told them. "But there's nothing it can do." Bibi and his team had it in their sights. I considered not telling Amit what happened a few minutes later: a Lebanese shepherd, with a half-dozen sheep, stumbled on us. One of Uzi's men, fluent in Arabic, tied the startled man's arms behind his back, scattered the sheep, and told him: "It's fine. Another hour or so, we'll be gone, and we'll let you go." It turned out to be less than an hour. Forty-five minutes. During which, not once but twice, Amit told us that Dado and Motta were worried: about the armored car and now about the shepherd. I assured him everything was fine. We'd do the operation. The guys in the armored car would be helpless. If all went well, they might not even know we'd intercepted the convoy. The shepherd, like us, was just waiting for it to be over so we could all go home. Minutes later, Amit called again. He told us the convoy was on its way down. But barely 60 seconds later, he said: "It's off. Don't do it. Dado told me to repeat it twice so you'd understand: do *not* do the operation."

When we got back to the command post, not only were Dado and Motta there. Since Motta was within days of leaving to become Israel's military attaché in Washington, they'd been joined by his successor as head of the northern command, Yitzhak Hofi. Three times, I suggested to Dado that we speak without my officers present. I did not feel it was right to have Uzi, Mookie and Bibi hear me the generals how I felt. But Dado insisted there was no reason for them to leave.

"This is a serious issue," I said, trying to keep my emotions in check. "What happened out there is unacceptable. An effective special-forces unit cannot operate this way. For the second time in a week, you've made us stop an

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operation. Both times, it was an operation that we, the ones who have to do it, knew could succeed. An operation on which the fate of three Israeli pilots depends. One of whom we know personally, and have *worked with*. Now, again, with no real reason, you've stopped us. I see this as a breach of trust." When neither Dado nor Motta replied, I went on: "I have to tell you openly. You can't possibly judge the situation on the ground. Only we can. And you're behaving as if you *know*. You *can't* know from here. There was no reason for us not to grab those officers. I don't want to reach a point when I have to start thinking about what to report back, or not report, just to make sure we're free to complete a mission that you *ordered*, after agreeing it was necessary for Israel."

No one said anything for a few moments. I could see that Uzi, Mookie and Bibi were shocked at having heard me speak in this way to three of the top commanders of the armed forces. But I meant every word. If Sayeret Matkal was to function as a special-forces unit, it needed to have the trust of those who'd authorized an operation in the first place. It was Dado who finally replied. Sort of. Trying to defuse the tension, he told us a joke from his Palmach days. "There are two bulls who come into a field full of cows. A young one and old one. The young one says to the old guy: let's run over there to the far end of the field, where the prettiest cow is, and we can fuck her. The old bull replies: "No need to rush. Let's go slowly, and fuck them all."

I guess we were meant to be the young bulls.

I doubt Dado knew whether we'd get a third chance at the Syrian officers, though I'm sure he hoped so. A week later, we got word there would be a final inspection visit, to the central sector of the border area. Ordinarily, I would have led the operation. Now, I made an exception. To Dado's obvious surprise, I decided to remain behind, in the command post. "A commander has to be in the best place to ensure a mission is successfully completed," I told him. "I've come to the conclusion the only way I can do that is to be here with you. Because the real bottleneck isn't out there in the field. It's here."

I placed Yoni, who had just become my deputy, in overall command of the two main teams: Uzi Dayan's and another led by one of our most impressive young officers, a kibbutznik named Danny Brunner. He reminded me a lot of Nechemia Cohen: he spoke little, and softly, but once an operation began was calm, clear minded and able to anticipate and avoid trouble before it materialized. Two other teams, one led by Mookie Betzer and the other by Shai Agmon, would act as blocking units, concealed half-a-mile on either side, once the main force intercepted the convoy. We chose a spot across from the Israeli

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moshav of Za'arit. We equipped Yoni's force with a pair of Land Rovers in Lebanese army colors and had them hide overnight in the moshav's orchards, a hundred yards from the road on the Lebanese side of the frontier. The next morning, when we got confirmation the convoy was on its way, they crossed and stationed themselves on the road, lifted the hood of one of the vehicles and made as if they were trying to repair engine trouble. Both the blocking forces were in half-tracks with heavy machine-guns in case the convoy chose to stand and fight.

What we didn't count on was a Lebanese driver, in a VW Beetle as I recall, puttering along the road shortly after Yoni's team crossed. The man waved at them. Quite rightly, Yoni let him drive on. Along with the other obvious reasons not to fire on a civilian VW, he didn't want to alert the Syrians and their hosts there was danger ahead. But the Lebanese motorist, as well as a group of nearby farmers, were suspicious enough to deliver a warning that there were a couple of stalled Land Rovers on the side of the road. The convoy halted shortly after passing Mookie's force, hidden in a field a few dozen yards away.

Had I not been in the command post, I'm pretty sure what would have happened next. The mission would have been called off. This time, I was the one in direct contact with all three teams. Even before I gave the order, Yoni had anticipated it. He and Uzi turned west to confront the convoy. In a brief initial exchange of gunfire, one of Uzi's men was wounded, not seriously, in the leg. But with Mookie's team firing from behind and Yoni's and Uzi's men in front, the convoy was trapped, and the Syrians captured.

The safest way back into Israel would have been the way the force had entered. But Yoni and Uzi realized the main imperative was to get the Syrians out as quickly as possible. At a not-inconsiderable cost to a pair of American limousines, Uzi drove each of them, with a total of five Syrian officers, through a boulder-strewn field across the border.

The Syrians included three senior members of the Operations Department of the General Staff, and two from Air Force intelligence. Israel made an immediate offer to swap them for our pilots, though how enthusiastically I'm not sure. With this kind of leverage on our side, it seemed unlikely the Syrians would do further harm to our pilots. *Our* intelligence officers were keen to get every bit of information they could before sending the Syrians home. It would be a year later before the exchange was done. Yoni received a well-deserved *tzalash* for his role in the mission.

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Barely two months after the ambush operation in south Lebanon, Black September seized and murdered members of the Israeli team at the 1972 Olympics in Munich.

As soon as the news broke on the morning of September 5, I phoned Ahrahle Yariv as head of military intelligence. "You need to send us," I said. I tried to persuade him that if it came down to an operation to free our hostages, Sayeret Matkal offered the best hope that it would not end in a bloodbath. We had the mind-set, the background, the training and now the experience. I also knew the *German* military had no special-forces unit. I'd have been even more worried if I had known that German law barred the army from operating in peacetime. That meant any use of force would be left to the police. Ahrahle told me it was too early to say what involvement, if any, Israel might have. He'd get back in touch with a decision when it came.

I called my officers together to begin planning. I decided to use the men who had been with me for the Sabena mission, including Mordechai Rachamim. We collated information from the stream of media reports from Munich and assembled a rough idea of the layout of the building the terrorists had attacked. As for the attackers, I said we had to assume there were at least half-a-dozen, that they had not just AK-47s but grenades or other explosives. And that like the Sabena hijackers, they would be prepared to die but hoping to live. All of that turned out to be true. None of it, however, could alter the reply I got from Ahrahle a couple of hours later. "We decided to send Zvika," he said. Zvika Zamir was the head of Mossad, and he would be going only as an observer. Any operation against the terrorists would still be in the hands of German units.

The German police's bungled attempt to end the ordeal was especially painful because it was so predictable. I believe that if we *had* been there, at least some of the eleven Israelis killed might not have lost their lives. The Germans launched an ambush at a NATO airfield outside Munich, when the terrorists and hostages were ostensibly on their way to board a flight for Cairo. We know now that there was no properly co-ordinated plan. Too few police were deployed for the operation. They were insufficiently armed, and they lacked relevant training or experience. The result: a bloodbath. As a final insult to the memory of the murdered Israelis, although the three surviving terrorists were jailed, the

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German government released them to meet the demands of the hijackers of a Lufthansa airliner the following month.

Added to Israeli public's shock over the massacre, there was anger at having to watch the murderers go free. In the weeks afterwards, I got occasional hints that a sustained Israeli response was underway, though I didn't know the details. I was not aware that it was Ahrahle, at the direction of Golda herself, who was co-ordinating it. Nor that a special Mossad team was at the center of the operation. Yet from news reports of a series of attacks on suspected leaders of Black September, I, and most Israelis, assumed we were determined to convey a message which the Germans had not: that terror killings of the sort perpetrated in Munich would not go unanswered.

It was not until late 1972 that I knew the full scale of the operation. We had no formal ties with the Mossad, but our intelligence work occasionally overlapped. In mid-December, the sayeret's intelligence liaison was approached with a "theoretical question" by a couple of guys from the Mossad. Did we have the capability to attack three separate flats in a pair of apartment buildings in Beirut. I sent back my preliminary answer a few days later. I said it was possible. But there was no way I could say for sure without more information. Would the people in the apartments be armed? Were there guards outside? Was there a caretaker or concierge? Was there only one way in to the buildings, or also rear entrances? Would we be able to get a plan of the interior of the apartments?

In another month, they came up with most of the answers. The buildings were fairly new, with glassed-in lobby areas and concierges. The Mossad men also gave us a fairly detailed layout of two of the three apartments. They did not know whether there were back entrances. They thought it was likely there were bodyguards, or at least some security detail posted outside. As for the people living in the apartments, all of them were likely to have at least small arms.

Over the next week or so, we raised a series of other questions. Mainly, I wanted to know whether they were sure the people we'd be looking for would be at home. The Mossad officers said they were working on that, but were confident of being able to confirm this before any operation happened. Though they didn't identify the people they were targeting, I had now learned, through Ahrahle and others, what had been pretty obvious since the Mossad's initial approach. They were Palestinian leaders with ties to Black September. "I think it's possible," I finally told them. "We'll put a plan in place. We can finalize the arrangements if you come back and say you want us to do it."

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Nothing happened for several months. By the early spring of 1973, with my two-year term as sayeret commander winding down, I assumed the operation had been vetoed. I could understand why. As we worked on our plan, it had become clear that getting into the heart of the Lebanese capital, hitting the apartments and getting out again without starting a minor war would be by far the most difficult mission we had attempted. I did not doubt that Sayeret Matkal offered the best chance of success. But it wouldn't be easy. I figured that whoever was making the decision had come to the same conclusion.

I was on a weekend away with Nava and Michal in the Red Sea resort of Eilat when things suddenly began to move. At around noon on Saturday, I got a call from Talik's deputy in the *kirya*. "Ehud," he said, "we need you back here as soon as possible." When I asked why, he said: "You remember how you were approached by someone with some questions, and you went back to them with a list of other questions for them to answer?"

I told Nava I'd been summoned to a meeting at the chief-of-staff's office – the kind of call of duty that both of us were now used to – and grabbed the first commercial flight north. It got the the *kirya* early in the evening, and joined a meeting that was already well underway. Dado was in his usual seat on the right-hand side of the table he used for staff discussions, flanked by Talik. Across from them was Manno Shaked, the officer who had phoned me to tell me about the Sabena hijacking and who had now succeeded Raful Eitan as *katzhar*, overall chief of the infantry and paratroopers. Beside him were the two Mossad officers with whom I'd had most of my dealings about Beirut. They were all staring at an aerial photo of the Lebanese capital, with an area marked in blue pen around a street called Rue Verdun.

I entered and took one of the remaining chairs. Gesturing toward the image of Beirut, Dado turned to me. "Do you know this place?" he asked. Yes, I said. I'd seen the photo. Nodding toward the Mossad men, I said: "These two officers showed it to me."

"Do you have an idea how to do this operation?" I told him that we didn't have a fully detailed operational plan. But I said we'd looked into the problems we'd face. "We believe we can do it." When he asked how, I outlined the approach we'd settled on: a small force, thirteen men, plus two from Mossad to act as drivers. We would need the Mossad men to go to Beirut ahead of us, and rent a pair of nice American cars, the kind typical tourists would use. We'd land on the waterfront, well south of the most built-up parts of the city coastline, and meet up with the rental cars. When we reached the apartment blocks, three

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groups of three men each would take care of the apartments. Four more would remain outside to deal with the concierges or security guards or any other interference, and to command and co-ordinate. We'd leave the same way we came in, by sea.

Dado nodded. I found out later that he'd asked the same question of Manno, who had proposed a classic regular-army raid. They would block the road with ten armed paratroopers on each end with the aim of holding off resistance, while another two dozen went in to the apartments and attacked. I could only assume Dado concluded that this almost certainly wouldn't work, at least not without major trouble. It would certainly forfeit any chance of surprise.

"The mission is yours," he said. "Manno will be in overall command, offshore. Because we're also planning to hit several other targets."

The reason for the urgent summons was that the Mossad had confirmed all three Palestinians would be in their apartments in 10 days' time. Everyone involved realized that – given its complexity, the obvious risks, and the inevitable unknowns – the operation could well go wrong. In fact, one reason for Dado's "other targets" was to ensure that if it did, there would be successes elsewhere to provide a credible justification for having sent Israeli forces into Beirut. As we received further intelligence, new obstacles had to be factored in. The main one was the presence of a *gendarmerie*, a Lebanese police post, at the bottom end of the street, only 500 feet or so from the apartments. And we would be operating in a crowded, up-market residential area. We could only hope that at the hour we struck, most people would be in bed. Or out partying. This was, after all, pre-civil war Beirut, the "Paris of the Middle East".

In the years since, an extraordinary array of stories has grown up around the sayeret's final and best-known mission during my term as commander, culminating in the dramatic version in Stephen Spielberg's movie *Munich*. I remember reading in one earlier book, otherwise surprisingly accurate, about our *five weeks* of intensive training. Even the full 10 days which I thought we'd been given would have been a bonus. In fact, we had half that as a full team, since our Mossad drivers, European-born Israelis, had to make their way through Paris to Beirut as tourists, rent the cars and scout out our route from the seashore to Rue Verdun.

There were four other operations planned alongside ours: three by paratroop units and one by the *Shayetet 13* SEALs, against a series of Fatah and Democratic Front installations. Though all of them, like ours, would need help

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from the SEALs in getting ashore, only one required direct co-ordination with us. This was an attack on a DFLP building a mile or so away in southern Beirut, led by Amnon Lipkin, the friend whose unit had faced one of the toughest battles at Karameh. Amnon's paratroop force would land with us and also pile into Mossad rental cars. Our attacks would begin at the same time, with the maximum prospect of retaining the advantage of surprise. When and if we both completed the operations and got away safely, we would meet up again on the seafront.

From our first meeting, the morning after Dado gave me the go-ahead, I realized I would have to make at least one change to the plan to rely on the core Sabena team. There was no way, after his exclusion from the hijack rescue mission, that I could refuse Yoni when he pressed to be included. I added him to Mookie Betzer's force. I put the other two attack teams under a pair of young officers named Amitai Nachmani and Zvika Gilad. Both were self-confident, natural leaders. Both had other qualities I also knew we'd need: focus, and calm. I would take charge on the street outside the targeted apartments, along with Amiram Levin. With us would be Dov Bar, a *Shayetet 13* officer, and our medic, Shmuel Katz.

In the hangar at the sayeret base, we made mock-ups of the layout of the apartments, using bedsheets for the walls and adjusting the dimensions as further bits of intelligence came in from Mossad. But the real work involved simulating the whole operation, from the moment of our landing on jet-black rubber dinghies piloted by the SEALs. We found a new building development in north Tel Aviv with a pair of apartment blocks under construction. For two nights, we ran through the whole thing: setting off in the dinghies from a missile boat off the Israeli coast before midnight, meeting up with our Mossad drivers on shore, making our way through the center of Tel Aviv to the apartment complexes and simulating the attack. I wanted to ensure we could pull off the whole thing without anyone raising an alarm. The one problem came during the second run-through. A policeman drove by as we were "attacking" the apartments. Dado managed to convince him that reporting us to his superiors would not be an especially good idea.

In our debriefing discussions after that exercise, Dado identified a major problem I'd overlooked. We would be entering Beirut dressed as civilians. Once we got to the top end of Rue Verdun, we planned to approach the apartments as if we were party-goers returning from a night on the town. "It doesn't look right," Dado said. "More than a dozen party people walking, all *men*?" Mookie

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came up with the solution, one that would have the unintended effect of elevating our mission further in Israeli lore. The three least burly-looking of us would go in as women: a boyish looking guy named Lonny Rafael, Amiram Levin, and me.

Still, there was another, potentially deeper concern that had yet to be addressed. In all sayeret missions, since the beginning, we knew we might end up having to fight, shoot and, if necessary, kill. Yet now we would be going in with the expectation of killing three specific men. We had black-and-white photos: Mohammed Youssef al-Najar, or Abu Youssef, an operations officer in Black September; Kamal Adwan, one of Arafat's top military planners; and Kamal Nasser, a member of his leadership circle and his spokesman. Nominally, it was understood we would seize them and bring them back to Israel if possible. I had us exercise how we'd do that. But none of us really believed that once our teams made it into the apartments, the Palestinians would surrender. We assumed we would have no option but to kill them.

The killing was not the main issue. After all, I had drawn up a plan a year earlier to target Arafat himself. Though no one in the sayeret took any pleasure in having to take a life, at the end of the day we were a part of the army. Black September, and Arafat's Fatah more broadly, were not only at war with the existence of Israel. They were behind a campaign of terror. Certainly there was no significant public opposition, after the horror of Munich, to going after those who were deemed to be part of the operational or political direction of Black September. Our uneasiness inside the unit, however, revolved around what I'd extolled as its "spirit" when I became commander. Beyond all the specific qualities we needed to succeed in our operations, our image of ourselves was as *thinking* soldiers. We might sometimes find it necessary to kill, but we were not *killers*.

As I explained to each of the men I'd be leading on the operation, the Mossad, Dado, and ultimately Golda had concluded that these three men were appropriate targets in the wake of Munich. As a battalion-level commander, I did not feel I was in a position to challenge their judgement, *unless* we had been ordered to carry out an attack that was clearly improper or immoral. In that case, I would have no hesitation in refusing. I said I viewed what we were being asked to do in Beirut not as an act of revenge, but a deterrent. It was a way of leaving no doubt in the minds of potential future terrorists that massacres like Munich carried a heavy price.

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The more difficult question for some in the unit was *how* we were delivering that message: breaking into apartments in the middle of the night. Yes, each of the men was almost sure to be armed. But these flats were their homes. Very likely, members of their families would be there. If the operation went as planned, it was hard to imagine how any of the men would have a chance of surviving. My answer was that ideally we would face them on a battlefield. Yet given the nature of Black September, that was not going to happen. Mossad was right to conclude this was the only way to isolate and attack them.

For Amitai Nachmani, who would be leading the attack on one of the apartments, my words were not enough. Twice, he came to see me. It was not that he didn't trust or respect me as his commander, he said. But before leading his team into Beirut, he needed to satisfy himself that the people we were attacking, and the way we were attacking them, had been properly thought through by the people giving the orders. I told him I understood. I did not tell him that I was actually proud of him for asking – which, although I'm sure he sensed it, was an omission I regretted when he lost his life in the Sinai Desert a few months later. But I did go see Dado. I told him what Amitai had said. He needed no convincing when I urged him to address the entire Beirut team and answer their questions at our final planning meeting. He did so, explaining how and why the decision to target these three Palestinians had been reached, to the satisfaction of Amitai and the others.

We set off by missile boat from Haifa on the afternoon of April ninth. To my relief, since I suffer from seasickness, the Mediterranean was calm as we headed west towards Cyprus, before circling back in the direction of the Lebanese coast after nightfall. I ran through the plan a final time with each member of the team and then joined Amiram and Lonny in transforming ourselves as best we could into credible dates for the evening. I'd vetoed dresses or high heels, in favor of flared slacks and flats. We used standard-issue army socks to pad out our bras. The Mossad had recruited a volunteer from a Tel Aviv beauty parlor to help us with our lipstick, blue eyeliner and eye shadow. The final touch was our wigs. Amiram and Lonny were blondes. I went as a stylish brunette.

I'm reluctant to take issue with the Spielberg version of events, if only because he had my part played by someone undeniably better looking than I was, even as a 31-year-old. But in *Munich*, we are shown zooming into a crowded harbor area on a line of motor boats, changing into drag only once we've sprinted ashore, opening fire on a dockside kiosk and shooting our way

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into town like something out of the wild west. Had any of that happened, we would have started a small-scale war, not to mention run the very real risk of not getting out alive.

In fact, we left the missile boat, Manno's offshore command post, in motor dinghies out of earshot of Beirut and cut the engines as we got closer to the shore. All of us, including the "women", were wrapped in ponchos to avoid showing up on Rue Verdun soaking wet. After getting out of the dinghies, we were carried ashore by the SEALs to make sure we stayed dry. All of us had loose-fitting jackets. The attack teams used them to conceal Uzis, explosive charges to blow the locks on the apartment doors if they couldn't be forced open, a hand grenade or two and flashlights for the dash up the stairs. One member of each team had a large plastic bag, with orders to take away any easily accessible documents for Mossad analysts back home. As the mother of the brood, I also had a large purse, in which I carried our radio to communicate with the team leaders and with Manno on the missile boat if necessary.

Our SEAL pilots steered us well away from the more built-up part of the seafront towards the Coral Beach, one of the private clubs on the southern end of the shoreline. Four rented station wagons were waiting, two of them for us and two for Amnon's squad. Amnon set off toward the DFLP target. We headed north towards the center of town. In the Spielberg film, my speaking role consisted of two words, my name, as I introduced myself to my driver. In fact, we had already met: during the run-through exercises in Tel Aviv. After we got into the cars, I asked him how his scouting of the route had gone. He said basically OK, but that he'd noticed a couple of cops patrolling near the top of Verdun on one of his drive-bys. I assured him it would be fine. There would be no reason for a policeman to suspect what we were up to, or who we were. Still, I could tell he was nervous. "What's wrong?" I asked. He hesitated before replying. "I've never been in a place where there's live fire," he said. I told him not to worry. He *still* wouldn't be. "You're going to be parked around the corner, until it's over. Then, it's just about getting home."

When we reached the top of Verdun, it was about ten minutes after one in the morning. Our cars pulled over. I took Mookie's arm as we began walking the 150 feet or so to the first of the apartment buildings. The others followed in knots of two or three. Both Mookie and I saw a policeman approaching on the sidewalk. "Ignore him," I whispered. We weaved a few inches to the side to let him pass. The buildings were as we'd expected, with their lobbies set back from a covered terrace in front. As the other teams made their way to the second

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building, I stayed with Mookie. His job, along with Yoni in his expanded team, was to deal with Abu Youssef, the Black September operations officer. The concierge must have been on a coffee break. The lobby was empty. The door was unlocked, so they sprinted toward the interior staircase and made their way up.

Adwan, the Fatah military man, and Kamal Nasser lived next door. Adwan, Amitai's target, was on the second floor. Nasser was on the third. As the teams raced into the other building, Amiram and I posted ourselves near one of the terrace pillars, occasionally exchanging a few words of what we hoped would pass as girl talk. The SEAL officer and Dr Katz were near the top end of the street as lookouts. We seemed seconds away from what had all the makings of the operation we'd rehearsed back in Tel Aviv. The one major problem I'd expected – security guards posted outside – hadn't materialized. We'd been told by the Mossad to look out for a grey Mercedes, but it wasn't there.

The next stage was for each team leader to press the transmit button three times on his radio. When I'd heard from all of them, I would send a signal back. Then, at the count of five, each of them was supposed to start the attack. Mookie's signal came first. Yet before either of the other two teams checked in, the trouble began. Suddenly, the door of a red Renault flew open almost directly across the street from where Amiram and I were standing. A tall, sturdy, dark-haired man climbed out. He looked across at us. He opened his leather jacket. He pulled out a pistol and started to approach us. "*Ein breirah*," I whispered to Amiram. "No choice." To this day, I remember the shock on the man's face as he watched us – a pair of 30something women – open our jackets and pull out Uzis. Fortunately for him, we'd had to make allowances for concealment in choosing our weapons. We'd left the Uzis' stabilizing shoulder braces behind. As our first shots hit, he had half-turned to run. Though wounded, he somehow got back in the car. We kept shooting but he managed to drag himself out of the far door and roll behind a waist-high wall on the other side of the street. One of our shots obviously hit the electrical innards of the Renault, because the car horn began blaring full-blast, as if someone had set off a modern-day car alarm. So much for the element of surprise.

I saw three sets of lights suddenly come on in the otherwise dark apartment buildings. They were in the flats that Mossad had identified. At least that part of the plan was intact. These were the Palestinians we were after, and it seemed they were at home. Seconds later, I heard an explosion. It was from Abu

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Youssef's apartment, the one Mookie and Yoni had been assigned. Then, bursts of gunfire from the other building.

A Land Rover was approaching from the *gendarmerie* at the bottom of the road. We waited until it was about 50 feet away. Amiram and I opened fire, then Dov and Shmuel Katz as well. The driver lost control and crashed into the side of the Renault. There were at least four policemen inside. They, too, rolled behind the wall on the far side of the street. Using the terrace columns for cover, we kept shooting. Within a minute or so, only a couple of the cops fired back.

Though the three Palestinians could not know the reason for the gunfire and the wailing of the car horn, they were now on their guard. When Mookie had blown open the door to Abu Youssef's flat – and he, Yoni and the other two members of his team ran into the apartment – he saw the Black September man peering out from the bedroom. Mookie raised his Uzi but the Palestinian ducked inside and shut the door. All four of them fired through through the door. When they went in, they found not only Abu Youssef but his wife, both dead. When Zvika's team burst in on Kamal Nasser, he, too, was ready. Crouching behind a desk, he raised an automatic pistol and fired, grazing one of the team on the leg. But in a burst of Uzi bullets, he, too, was killed.

I suspect that Amitai's face-to-face meeting with Dado may have saved his life. When he and his team cornered Kamal Adwan, he had an AK-47 raised and ready to fire. Without even a split second's unconscious hesitation, Amitai fired first. His only regret afterwards was that Adwan's wife and children saw it happen, and that when they'd blasted open the apartment door, the force blew open the door of a nearby flat, killing an elderly Italian woman. She had been one of the Mossad's sources of information on the Beirut apartments.

Mookie's team came down first. They joined us, crouching behind the columns, as sporadic shots continued from one of the policemen behind the wall across the street. When a second police Land Rover approached, I at first signaled the others to let it pass. But when it suddenly accelerated toward us, we opened fire. It swerved, crashing into the rear bumper of the other one.

The other teams were back down now. I shouted for Dov to have the drivers bring the station wagons from around the corner. When we began to pull away, a third police Land Rover appeared. It sped up behind us. Mookie tossed back a grenade. The last thing I saw as we made it to the end of the block and headed toward the seafront was the front end of the vehicle exploding. We dropped hollow, needle-sharp spikes out the window of the car as we left, so I knew that

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any other pursuing vehicle would be in no shape to follow for very long. But we still had to avoid trouble on our way back out. I knew it would be a risk to go back to the Coral Beach, so we took the shortest route to the sea, straight out to the Corniche, the city's main avenue along the Mediterranean. As we got closer, we could hear gunfire. Obviously, the police, and the Palestinian militias, realized *something* was not right. The advantage we had was that they would have no idea what had happened on Rue Verdun, who we were, or where we were going.

No sooner had we joined the Corniche than I saw another police Land Rover about 200 yards ahead of us. This one had a spotlight on the roof, panning both sides of the road. I told the driver to slow down. About 100 yards or so later, reaching the place where we'd arranged for the SEALs to meet us, he and the other station wagon pulled over to the side of the road. The Land Rover kept driving. We slid down a steep embankment nearly 30 feet to the sea. Two of the three assault teams had bags full of documents as well. We swam out to the dinghies. When we had hoisted ourselves in, we headed out at first by paddle, then under engine power, to the missile boat. The whole operation had taken about a half an hour, only 10 minutes on Rue Verdun.

I radioed Manno on the way to the missile boat. A half-dozen words: the agreed code phrase for "mission accomplished, targets achieved." I could hear relief in his voice when he replied. At first, I assumed that was because they hadn't heard from us during the operation. Our radio link to the missile boat had gone down when we entered the built-up area around the apartment blocks. *Genuinely*, despite Manno's suspicion that I'd cut the connection. Yet he had other reasons to exhale when he heard we had got out safely. Amnon's team had had a much tougher time. They met resistance from the moment they arrived at the DFLP building. Two of his men were killed, another wounded. They set off their explosive charges, but had to fight their way out. They only barely managed to escape, carrying their fallen comrades with them and linking up with another team of SEALs near the Coral Beach.

It was a little before six in the morning when I got home. I was careful not to wake Nava. I'd changed out of my slacks and flats and surrendered my wig on the missile boat. But I didn't have the energy to deal with my makeup. The next thing I remember was my wife standing by our bed as I stirred awake around noon the next day. She looked at my eye makeup and lipstick, shook her head, and smiled. She didn't need to ask where I'd been. Israel radio had been full of news about a major operation in Beirut.

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A few weeks later, my term as commander ended. The handover to my successor, Giora Zorea, turned out to be more elaborate than my arrival, though not at my instigation. With both Talik and Avraham in attendance, Dado presented me with my fifth *tzalash.* It was not for Beirut. Not for the operation against the Syrian officers, or the unprecedented access our intelligence missions were providing into Egypt's military communications. Dado said it was for all of the above. And not just for leading the unit of which I'd been a part almost from the start. It was for my part in bringing it to maturity. When I replied, I am sure everyone knew I was speaking from the heart in saying that my every moment with Sayeret Matkal had been a privilege. And that this latest commendation was an award for the achievements the whole sayeret.

Dado did me another good turn. As my stint as commander drew to an end, I knew what I hoped to do next in the army: to use my tank training to work my way up the command chain in the armored corps. But like past sayeret commanders, it was assumed I would first spend time at the US Marine Corps staff college in Quantico, Virginia. I had other ideas. I wanted to exercise other parts of my mind, by doing postgraduate work at a normal American university. Dado agreed.

I still had to get accepted. The first step was to take the post-graduate entry exam, the GRE. There were two parts to it. The first involved mathematics and abstract thinking, the second English language. If my fate had rested on my English grade, I'd have ended up at Quantico. I finished in the 28th percentile. But in the other part, I was in the 99.6th percentile. I applied to four universities: Harvard, Yale, MIT and Stanford. Amazingly, I got accepted by all of them. I chose Stanford, mainly because it allowed a far greater latitude in choosing my program of study. Also, the weather.

In early August 1973, Nava and I joined my parents and hers on a sunny afternoon in Mishmar Hasharon to celebrate Michal's third birthday and say goodbye. We were heading to Palo Alto, California, with every expectation of two years of intellectual stimulation, new friends, new experiences and something approximating a more normal family life. My "other" family, the Israeli army, also had reason to believe a period of new possibilities lay ahead. The threat of terror remained, of course. There had also been a brief bout of

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nerves over military maneuvers by Anwar Sadat a few weeks earlier. But that had come to nothing. In no small part due to the success of the raid on Rue Verdun, Israel's generals believed the balance of strength and security was on our side and that, at least for a while, Israel could breathe a bit more easily.

But we were all about to be proven spectacularly wrong.

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Chapter Nine

The phone rang in our apartment in Palo Alto at 4:30 in the morning. We had been in the US for barely six weeks. It was the Sixth of October 1973: Yom Kippur, the holiest date on the Jewish calendar. I was still a bit groggy from the night before. We had been out at a get-to-know-you event for some of the several dozen Israelis, and several hundred American Jewish students, at Stanford. While I only vaguely recognized the voice on the other end of the line, her words instantly jolted me awake: "The boss is busy," she said. "But he wants you to know. A war has started back home."

Her boss was Motta Gur, who was by now Israel's military attaché in Washington and was my nominal commander for my period in the United States. "I need to talk to Motta," I said. She passed him the phone. "I want you to know I'm going back," I told him. Motta's reply took my mind back 15 months, to our on-again-off-again mission to abduct the Syrian officers, with Motta and Dado in the command post, intent on reining in the "young bulls" of the sayeret. "Ehud," he said, "from what I'm hearing, I don't think we are missing a major war."

"What's this *we*?" I said. Motta was a general, at the upper reaches of the armed forces, officially posted to Washington. I was a young officer, just starting to work my way up the chain of field command. "I can't afford to miss even a *non-major* war," I said. "I'll check in with you when I get to New York."

"Major" would turn out to be, if anything, an understatement. Yet all I knew, as I kissed Nava and Michal goodbye and got a cab to San Francisco airport, was that Israel was again at war. By the time I joined the swarm of Israelis around the El Al desk at Kennedy eight hours later, the picture was clearer, and more worrying with each new report from back home. Surprise attacks by Syria and Egypt – armies we'd not just defeated, but humiliated, six years earlier – had pinned down and pushed back our forces on the Golan Heights and in the Sinai. Without any advance call-up, many reservists were only now reaching the front lines.

As hundreds of people pressed for seats on the El Al flight, I was fortunate to receive a boost up the pecking order from another man in line. Since the Sabena operation, the existence of Sayeret Matkal had become a bit less secret. Still, the identity of the sayeret commander was known to just a few people outside the unit. So skittish were the army security people that before I'd left for Stanford,

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they even insisted I change my name. I was no longer Ehud Brog. I'd Hebraicized it: to Barak, which seemed near enough to the original. Among the few dozen outside the unit who did know about my role, however, were paratroopers who'd joined us on various missions. One of them now told the El Al people who I was. Not only was I given a seat on the first overnight plane back to Tel Aviv. I found myself helping the airline establish a priority for assigning seats to others: first, active officers in fighting units: armor, infantry, the air force. Then, reservists, with the emphasis on those who'd seen active service most recently.

As we were waiting to board, I phoned Uzi Dayan and asked him to meet me at Lod the next morning. Then I called Motta again. "Ehud," he said, with no trace of irony, "it is an *extremely* serious war. Syrian tanks are getting close to the outer fences of Nafakh" – our main command post on the Golan. "Good luck."

Uzi was waiting for me when we landed. Walking to his car, we ran into two reserve armored officers who had also just arrived home. They expected to be sent north, to help beat back the Syrian advance. When they asked me where I thought I'd be going, I said, truthfully, I had no idea. "Wherever I can help," I said. Uzi drove us to the *bor*, the bunker built two floors underground in the *kirya.* Usually, it functioned as the day-to-day operations center. But it was where the commanders of the armed forces operated during times of war.

At officers' school, we'd heard and read about the importance of throwing the enemy "off balance". Now, *we* were the ones off balance. The faces I saw around me were gray and drawn. There were dead looks in the eyes of the commanders and their staff. Some 30 hours after the surprise attack, all the self-confidence we'd felt since 1967 seemed to have evaporated. I looked into several of the rooms where, months earlier, I'd run through operational plans as sayeret commander. Inside each, a large wall map traced the course of the fighting. Israeli forces were marked in blue, the Syrians and Egyptians in red, with a timestamp for each position report scribbled at the side in black magic marker. But I saw that the latest addition was from at least *twelve hours* earlier. It was as if we'd lost track of what was happening, or were simply overwhelmed by the pace of events.

I spoke briefly with Talik as he walked along the corridor. He looked 10 years older than when I'd last seen him. Then I spotted Ahrahle Yariv, who had been called back into military intelligence at the start of the war. Looking surprised to see me back in Israel, he pulled me close to him. "It's important

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that you came back," he said. "We'll need each and every one of you to get the job done." Then he hugged me again. It was as if, knowing I would soon be heading for the front line, he wondered whether we'd see each other again.

I made my way to the office that the chief of staff used in the bunker and asked Dado's secretary if I could see him. As she was deciding whether to let me in, he emerged. Though obviously aware of the seriousness of the situation, Dado radiated his usual calm and confidence. For the first time, I felt a bit more hopeful. "*Ma nishmah*, Ehud? he asked, in Israelis' everyday greeting. "What's up?" I told him I'd just come from the airport. "I can help in special forces, infantry, armor. Whichever is most needed."

"Leading a tank unit," he said. "They've suffered heavy losses. Go see Tzipori." Motke Tzipori was in charge of organizing the armored units. He sent me to Julis, the training base between Tel Aviv and Beersheva, where tanks from maintenance units around the country were being brought. Once they were reasonably operational, and as more reservists arrived from abroad, I would lead a makeshift battalion to help reinforce our badly depleted forces in the Sinai.

* * *

I was just one of dozens of officers, in command of thousands of tireless and courageous troops called on to try to turn the tide. Most were reservists. Many, like me, had rushed home in the knowledge that for the first time since 1948, there was the real risk Israel would be defeated. By the time I got my battle orders – October 14, the ninth day of the war – Israeli forces on the Golan, at enormous cost, had managed to turn back the Syrian attack. In this war, the men from Sayeret Matkal were not bystanders. Most of the unit joined the fightback in the north, where, under Yoni Netanyahu's command, they took on and defeated a Syrian commando force in the heart of the Golan. Yoni himself risked his life to rescue a wounded officer from another unit behind enemy lines.

In the Sinai, however, the situation remained dire. An initial counterattack, launched while I was on my way to Julis, ended up in tatters, with whole battalions all but destroyed, as our tanks came under fire from rocket-propelled grenades and, above all, the wire-guided Saggers. Israel's main advantage in 1967 – our command of the skies – was all but gone. By moving their surface-

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to-air missiles to the bank of the Suez Canal after the truce in the War of Attrition, the Egyptians had created an effective no-fly zone a dozen miles into the Sinai. After the failed counter-attack, with the commander of the air force warning that we were nearing our minimum "red line" number of fighter jets, Golda contacted the Americans to propose a cease-fire in the south. But having retaken the Suez Canal and pushed into the Sinai, President Sadat was in no mood to call a halt to the fighting. The only way we were going to end the war was to retake the canal and defeat the even larger Egyptian forces on the other side.

To the extent that my part in war was different from other junior officers, it was because of my history in Sayeret Matkal. Other Israeli sayerets were attached to specific fighting forces. Sayeret Golan, for instance, was part of the Golani infantry brigade in the north; Sayeret *Tzanhanim*, was part of the paratroopers. But "matkal" is the Hebrew word for the general staff, since it was the generals in military headquarters who had allowed Avraham Arnan to create the unit. From the start, we had answered directly to the *kirya*, which ultimately had to approve our operations. When I rushed back from Stanford at the start of the war, I was still just a 31-year-old lieutenant-colonel. I had spent two years in command of the equivalent of an infantry battalion. But I knew, and in many cases had worked with, the men at the very top of the armed forces, including Dado, the chief of staff. So while other young reservists were reporting to their former units for assignment, my first port of call was the command bunker, where Dado himself, aware that I'd done intensive tank training before taking command of the sayeret, ensured that I would play my part in trying to turn back the Egyptian advances. I also knew, or at least had met, many of the generals plotting the counteroffensive in the command bunker in the south: Shmuel Gonen, known as "Gorodish", who was head of the southern command; Arik Sharon, who had left the same job for politics a few months earlier, but was now commanding a division near the canal; and Chaim Bar-Lev, the former chief-of-staff whom Golda had called back into emergency service. I even knew the bunker. It was Um-Hashiba, the command and intelligence post from which we had run Sayeret Matkal operations into Egypt after 1967.

So during the last, decisive 10 days of the war, I would witness first-hand the tension among our top commanders in the Sinai, especially between Sharon and Gorodish, since Arik wasted few opportunities to suggest, rightly but not always helpfully, that his successor was woefully out of his depth. I would lead my company back across the canal with one of the other main armored brigades in the Sinai; take out Egyptian missile sites and help restore our jets' command of

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the skies; strike out alone at night, with sayeret-issue night goggles, to bring back the surviving soldiers after we realized we'd lost one of our APCs in a battle with Egyptians; and even, because I'd been there before on sayeret missions, leading a joint armored force across the Egyptian desert to complete the encirclement of Sadat's Third Army and effectively end the war.

Still, the memory which has stayed with me longest – summoning back all the miscues and misjudgements of some of Israel's top commanders, and the terrible price paid by the men on the ground to turn things around – was the fight for an experimental agricultural facility located just a few miles back from our side of the Suez Canal.

* * *

On Israeli military maps, it was called the Chinese Farm. In fact, it was Japanese experts who helped set it up in the then-Egyptian Sinai before the Six-Day War. When we captured it in 1967, deciphering the characters on the equipment had evidently proven beyond our linguistic capabilities. Thus, *Chinese* Farm. Now, it was back in Egyptian hands. The sprawling complex, with its web of large irrigation ditches, controlled the main transport corridor from the Sinai to the bank of the canal.

Before dawn on October 16, one of the battalions in Arik Sharon's brigade, under a veteran paratroop commander named Danny Matt, had managed to cross the canal on rubber rafts with an advance force of some 750 men and a few dozen tanks. But it was a precarious beachhead, vulnerable to Egyptian air strikes, artillery and Sagger fire. Hopes for any large-scale Israeli counterattack rested on moving forward an enormous roller bridge, and hundreds more tanks, to complete the crossing – impossible without retaking the Chinese Farm.

The first I knew of the scale of Egyptian resistance there was about four in the morning on the seventeenth. I got a radio call ordering me to get my battalion ready to move, ASAP. We were attached the other main armored force, along with Arik's, assigned to lead the crossing. It was under the command of Avraham "Bren" Adnan, the former overall commander of Israeli tank forces. "You're going north of Tirtur 42," Bren's operations officer told me. Even without checking our coded map, I knew it was the road running along the upper edge of the Chinese Farm. He told me that the parachutists of

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Battalion 890, under Yitzhik Mordechai, were in trouble. "Go. Find them. Help get them out."

I knew Yitzhik personally, from his years in the paratroopers' elite Battalion 890. I knew the man who was now in overall command of the paratroopers even better: Uzi Yairi, who was in charge of Sayeret Matkal during my final years of reserve duty at Hebrew University. Helicoptered into the Sinai just hours earlier, the paratroopers had been sent to the Chinese Farm shortly before midnight. As I would soon learn, they had no more idea than I did about what they were about to face. They were told they were going in simply to clear out bands of "tank-hunters". They *weren't* told of repeated attempts by some of Arik's top tank, paratroop and reconnaissance units to take the farm over the previous 36 hours – attacks which had not only failed, but had cost dozens of tanks and hundreds of men. Without artillery, armor or air support, they immediately came under rifle, machine-gun, mortar and heavy artillery fire.

Our job was to get them out. Ordering my men to get ready for our first combat mission of the war, I found myself face-to-face with a distraught and determined friend from military intelligence. Yishai Izhar had arrived at Bren's headquarters the day before. When he saw me, he'd asked to join my battalion. He was a brilliant electronics engineer and was about to assume command of the technology unit in military intelligence. I told him we already had our complement of tank crews, and I knew he'd never had any armored training. So I found him a place in one of our APCs. But before joining military intelligence, he'd been a company commander in Battalion 890. Hearing that we were going to rescue his old unit, he insisted on joining me on the lead tank. I tried several times to refuse, but he said I had no moral authority to stash him in an APC when we were going in to rescue his friends and comrades. Aware that each wasted minute might cost more of the paratroopers' lives, I relented. I told Yishai he'd be sitting across from me on the turret, right above Yasha Kedmi, another friend who, having served under me in my first tank company in the War of Attrition, had asked to join back at Julis. Yasha was our loader and radio-operator. He got Yishai a machine gun, extra magazines for his Uzi and a box of grenades.

We moved out through wave-like dunes in total darkness. After the first few miles, the terrain leveled out a bit. Still, the sand was deep and the going slow. When we got within a couple of miles of where I assumed Yitzhik and his men would be, I radioed him. His voice was chilling. "They're very close to us, shooting," he said. "I've got many wounded. Get here as quick as you can."

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As we got closer, I could still see no sign of them. As dawn was about break, I radioed Yitzhik to suggest he fire off a flare, but he thought that would put them at even greater mercy of the Egyptians. Instead, he tossed out a smoke grenade. We spotted it, more than a half-a-mile away, slightly below us and to our right. I ordered us forward, leaving my second tank company behind for covering fire. I led Company A, which included my most experienced tank commander, Moshe Sukenik. Immediately behind us were our APCs, including two carrying our medical team. My aim was to engage the Egyptian fire while starting to evacuate Yitzhik's men to one of the long, dry, irrigation ditches, 600 yards behind us.

We moved forward in a broad line with my command tank in the center. We held our fire until we got closer. I still couldn't see exactly where the men of Battalion 890 were and didn't want to risk hitting them. Only when we got within about 70 yards did I spot the first of the paratroopers. They were in groups of three or four in a thin line stretching 200 or 300 yards on either side of us. They were lying behind whatever cover they could find: a bush, a clump of debris, a small rise in the sand. Some were firing. Others were wounded. From just a few yards away, Egyptian infantrymen were raking them with rifle and machine-gun fire. They were now shooting at us as well, and we returned fire. But the Egyptians, far outnumbering Yitzhik's men, were spread out in a network of foxholes, in some places connected by trenches. As we moved forward, I ordered my APC commander to start evacuating the paratroopers back to the irrigation ditch, with the support of a further group of courageous reservists from another nearby APC unit.

A shell suddenly exploded 20 yards ahead of me. Others rained in around our tanks. The source of the fire was straight ahead, about 1,300 yards away: three SU-100s, Soviet-made World War Two "tank destroyers". I trained the main gun of my tank on one of the SU-100s and ordered the gunner to fire. I used the battalion-wide radio frequency so the others would hear the order. But when the dust and smoke had cleared, the SU-100s were still there. I ordered a sight correction and said, again: "Fire". Still, we missed. It was only then that I realized why. Almost none of the tanks brought brought into Julis from the maintenance units had included their "commander's notebook" with their checklists for calibrating and firing – a major problem, since many of the reservists had last been in a tank years before. I ordered the gunners to use their telescopes, parallel to the main gun, instead.

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We were being hit by small-arms and RPG fire from all sides. On the turret of our tank, Yishai and I were firing back, our Uzis on automatic, and throwing grenades. I could hear bullets pinging off the turret and the body of the tank. Then, from our far right flank, came the shoulder-mounted Saggers, honing in with their eerie blue-red glow, juddering towards us as the Egyptian soldiers corrected their trajectories. One of the missiles barely missed us, and the silky wire from its guidance mechanism was tangled over our turret. I tried using my binoculars to identify where they were coming from, but it was no use.

To my right, I could see that the APCs had completed their first evacuation run and were coming back for more of Yitzhik's men. There was a raggedness about it all: one APC, then a couple of others, then a gap, then another one or two. They were doing whatever they could, whenever they could, as the Egyptian fire continued to intensify. A few of Yitzhik's men, whether desperate or dazed, simply stood up and starting walking west, toward the canal, only to be cut down by Egyptian gunfire.

I directed Moshe Sukenik to take half the company and head toward the Saggers to try to take them out, even though we both knew that he'd have to risk heavy fire before they got close enough. He had two-inch mortars on his turret, but their range was only 500 yards, far less than the Saggers. Every 45 seconds or so, a salvo of Saggers zeroed in on our tanks and APCs. Within a couple of minutes, two of the tanks were hit. One was on fire. The SU-100 tank-destroyers were still there as well. Egyptian infantrymen were spraying us with small arms fire. The whole area was swathed in grayish smoke. Every minute or two, another tank or APC took a direct hit. There was a smell, too, which, once experienced, never leaves your memory: the scent of burnt human flesh.

The fire from the foxholes was getting worse. "Run over them," I ordered my tank driver. "Start with the foxhole in front of us." He jerked us forward and we plowed over the first Egyptian position. "Reverse, get the one to the right," I said. As he backed up, I was shocked to see a surviving Egyptian soldier, shrugging off a thick blanket of sand from his shoulders, raise an RPG launcher at us from just 15 feet away. We were close enough to look into each other's eyes. I raised my Uzi and shot him before he could fire. Rifle and grenade fire continued from along the line of foxholes. A second length of the Saggers' silk-like guidance wire tangled over our main gun. Yishai was firing at the Egyptians from the other side of the tank. We both tossed grenades in the direction of the worst of the gunfire.

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It was then, suddenly, that I saw Yishai had taken a bullet in the side of his neck. Blood was spurting from the wound. His face was contorted in pain. He looked at me, raising his hands upward, as if to say: "I did my best. It's over now." I pressed hard on the wound, trying to stem the flow. But he slipped out of my grasp and collapsed into Yasha Kedmi's arms. Yasha propped him up and kept trying to staunch the bleeding. I turned toward the Egyptian soldier who had shot Yishai, less than 20 feet to my left. Keeping myself as low as possible above the turret, I fired into his chest. He tumbled into the foxhole. As I kept shooting, Yasha told me Yishai was dead. "Are you sure?" I asked. When he said yes, I ordered the driver to back up. We drove a few dozen feet, to where a group of the paratroopers was taking cover. With their help, we lowered his body from the tank, and then returned to the battle.

Barely ten minutes had passed since it began. Two SU-100s were now spewing smoke and out of action. The third had withdrawn. But the Egyptians were still firing. Five of our tanks had been hit. Two were on fire. One APC was smoldering, its commander severely wounded. I knew that if we stayed much longer, we would end up like other armored units during Israel's first, failed counterattack in the early days of the war. We would risk being wiped out. As far as I could tell, all the surviving paratroopers had been brought out or had managed to hobble to the irrigation ditch. I ordered Sukenik to abandon his attempt to take out the Saggers, and we withdrew behind the irrigation ditch.

It was only then that I realized that alongside two of our crippled tanks there was still a group of a dozen men: six crew members from my battalion and six of Yitzhik's men. It took nearly two hours to get them out. We used our tank guns to try to reduce the intensity of the fire from the Egyptians around them. I ordered one of our APCs to go get them. I rounded up all our smoke grenades, and the APC crew used them to create a smokescreen, the only way I could think of to reduce the danger of being targeted by the Saggers. It worked, but it required incredible guts for the men in the APC to pull it off.

The battle had required guts of every man in the battalion. They had found a way to conquer the first and most powerful enemy on a battlefield: fear. I felt it, too. But it's easier for a commander. When you're leading people into combat, you don't have time to be afraid. You have to assess and evaluate, second by second, everything going on around you. You have to make instant decisions and ensure they're being carried out. The people under your command are waiting to hear your voice, and watching your actions, too. If you lose control at any point, not only is your life at stake. Theirs are too.

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Early that evening, we were ordered to rejoin Bren's division to be ready for the crossing. When I reported that three of my soldiers were still missing, I was ordered to inform the commander of the battalion replacing us to find the missing men. The fight for the Chinese Farm was still not over. It would be another 12 hours before, in a co-ordinated push by a strengthened armor and infantry force, Israeli forces finally drove most of the Egyptians out. What tenuous gains we'd made until then had come at an enormous price. Of Yitzhik's 300 men, nearly 40 were killed, and many others wounded. I'd led around 130 people into battle. More than 35 were injured. Eleven were dead, including Yishai Izhar and Motti Ben-Dror, our medical officer, killed while treating the wounded. One of our missing soldiers was found alive. The other two could only be brought home for burial.

As I began to hear the details of the previous days' fighting, I became more astonished, and angry. Israel's tactics in the battle for the Chinese Farm had involved a series of piecemeal strikes by units obviously too small, and inadequately supported or co-ordinated, to succeed. The problem wasn't the choice of units. No one could doubt the record of Battalion 890, or of the men Arik had sent in before Yitzhik arrived. But there was no way they were going to take the area on their own. I couldn't understand why there wasn't an attempt to assemble a force that might actually have been strong enough: parachutists, tanks, artillery. I felt I knew at least part of the answer from the two nights I had spent in the Um-Hashiba command post before joining Bren's division. By dawn on October 16, the first of Arik's men had crossed the canal. By the afternoon, although the big roller-bridge was still not ready, a smaller pontoon bridge was available. Everyone knew we needed to get control of the Chinese Farm. But all the field commanders were focused the *real* task, and the real prize: crossing the canal and defeating the Egyptians on the other side.

Now, at least, the main crossing was underway. Bren had chanced the fact that, with Yitzhik pinned down at the Chinese Farm and the Egyptians concentrating their fire on his men and mine, he could get the pontoon bridge through. From late afternoon on October 17, his first units began to cross. On the morning of October 18, my battalion joined them. There was still fighting ahead, and we were part of it: taking out the SAM sites, engaging units of the Third Army and, with *Sadat* now pressing the Americans for a cease-fire and many Egyptian units clearly losing the will to fight on, racing against the clock to encircle and defeat it five days later.

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When the guns finally fell silent, I had time to give full rein to my thoughts. There were obviously fundamental questions about how the war had happened, starting with why we hadn't known ahead of time that two neighboring states were about to attack us – despite sayeret intercepts that could have given us time to call up all our reserves. Disentangling the details would take months. But we already knew the human cost of those failures. Hundreds of Israeli soldiers had been killed. The final number would be around 2,800, nearly four times our losses in 1967. Thousands were wounded, some crippled for life. Many of the dead were men whom I'd grown up with or served with, including more than 20 in my own battalion. Some of the dead in other units were close friends.

I felt exhausted. I also realized that Nava, thousands of miles away in Palo Alto, and my parents on the kibbutz could still not be sure I had escaped the fate of so many others. I learned later that my parents had been making daily calls to Digli, who was working in intelligence in the *kirya*. Though he had no way of knowing where I was, he kept assuring them that he had checked with my commanders and that I was alive and well. Nava had been relying on American news reports and the relayed assurances from my parents, which she was seasoned enough as an army wife to treat with skepticism.

I missed her badly, and little Michal. I felt the need to hear their voices. I drove to one of the brigade communications units. There was a long line in front of the radio telephone. But within a half-hour, I managed to get a crackly connection to California. Nava burst into tears when she heard my voice. I told her I was fine, and that I couldn't wait to see her and our little girl. Then, my own eyes dampening, I reeled off the names of friends who had died. In addition to the brave men I'd lost in my own battalion, there were more than a dozen others I already knew of. A pair of brothers from Mishmar Hasharon, a couple of years younger than me, in separate units, but killed within hours of each other. Another childhood friend, from a nearby moshav, named Rafi Mitzafon. And Shaul Shalev, a gifted philosophy postgraduate and a brave tank commander whom I'd become friends with at officers' school. He'd rescued three dozen troops from one of the Bar-Lev fortifications in the first hours of the war, only to be killed trying to get to a tank crew who had taken refuge a few miles back from the canal.

I'd lost two wonderful sayeret comrades, too: Amit Ben-Horn, the soldier who'd relayed the order from Motta to abort our second attempt to abduct the Syrian officers in Lebanon, and Amitai Nachmani, the officer who had

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demanded a meeting with Dado before our attack in Rue Verdun. Amit died in the fighting near Ismailia, at the northern end of the canal, as Arik Sharon's units pushed on after the crossing. The day before the end of the war, both Amitai and Amiram Levin were part of an operation to take over the Fayid Air Base across the canal. When an Egyptian RPG hit their Jeep, Amiram was wounded. Amitai was killed.

I thought, too, of Yishai Izhar: the friend struck down beside me, who I'd cradled in my arms on the top of my tank, trying to stop the bleeding.

"Oh Ehud," Nava said. "It's like 1967 all over again."

"No," I said. "Worse. Much worse."

A few weeks later, I was coming out of the *kirya* when I ran into another friend, whom I'd first met at Hebrew University. Like me, he had been a junior officer in 1967. His name was Ron Ben-Ishai. He would go on to become a top journalist, covering the military for Israel's best-selling newspaper, *Yediot Achronot*. In the early autumn of 1967, we were still transfixed by the idea of being able to visit areas of biblical Israel, which for years had been under Jordanian rule. With a few other friends who were young officers, nine of us in all, Ron and I embarked on a trek from the southern edge of Jerusalem, weaving our way through the Judaean Desert toward Kumeran, on the Dead Sea.

Now a very different war had come and gone. I'd fought in it. Ron, as what is now called an embedded journalist, had been with Danny Matt's paratroopers when they'd crossed the canal. He was alongside another of Arik's units fighting out of the bridgehead on the far bank of the canal. That both of us had seen terrible suffering over the past few weeks did not need saying. But Ron said he wanted to show me something. Fishing into his wallet, he took out a carefully folded photograph. He had taken it in 1967, just six years earlier, to mark our Judaean trek. There we were. All nine of us. Young. Full of optimism. And probably a bit full of ourselves as well.

Ron and I were the only two left alive.

* * *

We had won the war, and not just because our forces were now within 60 miles of Cairo, and only 25 from Damascus. We had been attacked by two huge

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armies: one-and-a-half million soldiers. Thousands of tanks. Hundreds of fighter jets. Other, much larger nations had endured months, even years, of hell before prevailing in such circumstances: the Soviet Union, for instance, with its huge strategic depth, or France, rescued by its American-led allies, during World War Two.

But any pride in having prevailed was outweighed by simple relief Israel had survived. Even that was nothing compared to the sadness felt over friends lost, and the resentment and sense of betrayal toward the generals and political leaders who had failed to prepare the country for the surprise attacks, or the initial confusion and dissension in some of our commanders' response to the early setbacks on the ground. Dozens of meetings were held in military units after the war to talk about what had gone wrong. I was not the only young officer to notice that the higher up the command chain they went, the more unedifying they became. After we'd heard one too many senior officer fine-tuning his account with each retelling, minimizing his share for the huge losses, a new phrase entered Israeli army slang. *Sipurei kravot* – "battle stories" – were the words usually used to describe a normal debriefing process. That expression was now amended, to *shipurei kravot*. Battle *improvements*.

I was assigned to convert my makeshift force into a regular armored training unit: Battalion 532, and that slightly delayed my reunion with Nava and Mikhal. But in their absence, I found us a larger apartment in the Tel Aviv suburb of Ramat Hasharon. Nava and I agreed that at the first opportunity, I'd return to California and we'd fly back together. I went at the end of the year. We bought a refrigerator and a washing machine for the new flat – better models, and cheaper, than those available in Israel – and came home. Those few December days in Palo Alto were a jumble of emotions. Happiness, at being back together. But also a sobering sense, now that I was outside Israel for the first time since the war, of the enormity of the threat we'd faced and the frustration and fear Nava must have felt as we'd fought to defeat it. The year-end news retrospectives we watched on American TV were full of film clips from the first hours of the war, when it looked very possible we would lose. I remember being struck by the thought that, if we *had* lost, if Israel had ceased to exist, ceremonies of memorial and mourning would have been held across America, probably in Stanford. But that once the shock and sadness had passed, Israel's disappearance would not have impinged on a single NFL Sunday, or delayed a single family shopping visit to J. C. Penny.

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My command of Battalion 532 lasted only a few more months. On April 1, 1974, an official commission of inquiry published its initial report on the war. It was scathing in its assessment of our intelligence failings, for which it placed the main blame the officer who had been promoted the year before as head of military intelligence: Eli Zeira, the man who had addressed us on the sayeret base before the the 1967 and so confidently predicted the outcome. It also took aim at two other commanders. Gorodish, as head of the southern command, was one. The other was Dado. As chief-of-staff, he was held ultimately responsible for the intelligence failings and for not having ordered at least a partial call-up of our reserves.

In Eli's case, I recognized the very fact of our being caught by surprise made his position untenable. In fact, as I learned more details about what had happened, I realized the commission had, if anything, understated the seriousness of his errors. In the run-up to the war, Eli had resisted multiple requests from other intelligence officers to activate what the commission called our "special sources" of intelligence: the communications intercepts we'd planted deep inside Egypt. Worse, he had indicated to the few generals who were aware of their existence that he had activated them, implying that his lack of concern about the possibility of an Egyptian was based on our intercepts.

Because Dado was one of the people misled, his fall struck me as profoundly unfair. He had devoted his whole adult life to the defense of our country. After the inquiry report, he was never again the same person. He developed an obsession with fitness and exercise. Psychologists might have called it displacement activity. I wondered whether it was a kind of self-punishment. Either way, it may well have killed him. At age 50, less than three years after the war, he died of a heart attack after a day of running and swimming.

Almost every level of command was thrown into flux after the inquiry report. So was the political landscape. Both Golda and Dayan bowed to growing public pressure and resigned. The premium was on finding replacements who were sufficiently experienced, but did not bear responsibility for the errors of the war. For Prime Minister, the choice fell on Yitzhak Rabin. He had strong military credentials, of course. But he had left the army and entered politics, and had been out of Israel for several years as Israel's ambassador to Washington. He had joined Golda's government only weeks before the war, in the relatively minor role of Minister of Labor. Much the same thing happened in the army. Only one of the generals who had been in the running to succeed Dado before

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the war was unscathed: Motta Gur. He, too, had been in Washington. Within days of the inquiry report, he was called back to replace Dado as chief-of-staff.

My role changed, too. Not everyone emerged from the war with his reputation diminished. The lion's share of the credit for Israel's eventual victory went to the rank and file of our citizen army. But in the officers' corps, there were also examples of coolheadedness in crisis, and leadership. One was Moussa Peled, who was now made head of the armored corps. My overall wartime commander, Bren, replaced Gorodish as head of the southern command. And Dan Shomron, whose 401st armored brigade played a critical part in defeating the Egyptians, was another. Dan and I had first got to know each other well at Karameh, then during my period as sayeret commander. We would go on in the years ahead to work more closely together than almost any senior officers in the military. He was now promoted as well. He became *katzhar*, overall head of infantry and paratroop forces, and he recommended me as his successor in Brigade 401.

Still, I knew that the Motta would have the final word, with input from the two senior officers most directly affected: Peled and Bren. I don't think either of them had anything against me personally. But both were tank officers through and through. There were other candidates to succeed Dan who, unlike me, had spent their whole careers in the armored corps.

I heard formally I was being considered as I was about to return to my battalion from Ramat Hasharon one Sunday morning. I was ordered to report to Motta's office. When I got there, he gestured toward the small table at the side. He already had two other visitors: Moussa Peled and Bren. "You probably know you're a candidate for taking over 401," he said. "These two gentlemen think you're not yet ready. What do you say?"

If I'd had more time to prepare, I might have answered more subtly. But I did very much want to be given command of the 401st, and had no doubt I would be a worthy and dedicated commander. "I don't know exactly what the two gentlemen mean by whether I'm ready," I replied. "So I have a proposal. Find a battle-tested officer whom you trust. Have him check who among the three of us, me or these gentlemen, is more familiar with the tank and its systems. Who of us knows better the terrain, in Syria or Egypt, day or night, where we have to fight? Who knows the operational requirements for an armored force, and the armored doctrine these gentlemen signed off on. Finally, which one of us has spent more time in a turret of a tank, on the battlefield, shooting at enemy forces and being shot at by the enemy?"

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There was silence, a grave look from Peled and Bren, the hint of a smile on Motta's face, and the meeting was over. Several days later, I was notified of his verdict. I would indeed be named the commander of the 401st Armored Brigade in the Sinai, and promoted to full colonel.

Our base was a 15 miles from the canal. It was a huge expanse of sand ringed by metal fencing. We spent three months at a time in this forward deployment and three months in our rear base, 50 miles from the canal. During one of our forward deployments, Motta came on an inspection visit. He wanted to discuss how we planned defend the area near the canal in the event of a repeat of the 1973 war. I told him everything we were doing in the brigade was aimed at ensuring *flexibility*. I had also been thinking about some of the broader issues relating to our defenses in the south. "No matter how good our tactics or plans," I said, "what worries me is that we're *still* not looking at our overall approach to defense against Egypt. It's as if we've forgotten that in 1967, when we captured Sinai, it was in order to have a buffer zone. We had *150 miles* of sand between southern Israel and the canal. But when the Egyptians attacked in 1973, we defended the desert as if it was the walls of Jerusalem!"

Since the 401st was one of two regular brigades on the Egyptian front, it was not easy to make the four-hour drive home to Ramat Hasharon. When I got word Nava was going into labor with our second child, I was leading a training exercise five or six miles from our base. As she was on her way to the hospital, I grabbed my car and headed north. Unlike Michal's birth, this one was not easy. When the baby emerged, she was struggling to breathe. The immediate danger passed, but she was placed in an incubator. When I got to the hospital, Nava was asleep. I was taken to see our tiny daughter, Yael. When the nurse left, I noticed the baby's pinkie trapped in the plastic cover of the incubator. I started banging on the window of the room. The nurse rushed back. With a look of sympathy mixed with world-weary experience of other fathers in similar panic, she raised the cover, folded Yael's tiny hands onto her stomach, and all was well.

It was another health crisis which hastened the end of my period as brigade commander. But this time, I was the one in the hospital. I nearly collapsed from high fever and exhaustion. The initial suspicion was some kind of contamination linked to the rudimentary sanitation in the Sinai. When the symptoms persisted, the doctors suggested I probably had hepatitis B. Years later, better diagnostic tools ruled all that out. I've never discovered what the

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illness was. But for nearly six months, getting through the day, sometimes a single task, remained a struggle.

I did not want to leave my command. I was still barely 18 months into the role, and anxious to get further command experience. But just as I was feeling at my weakest, there was another belated casualty from the 1973 war. This time, it was Uzi Yairi. No one could reasonably have held him responsible for the losses suffered by Battalion 890 at the Chinese Farm. I'm sure that if he'd known what happened to the Israeli forces that had already tried to take it over, he would never have allowed Yitzhik to go in without adequate armor and artillery support. Still, he blamed himself. In obvious distress after the war, he was reassigned as an operational officer in military intelligence in the *kirya*.

He was still at his desk when Fatah terrorists landed on Tel Aviv's seafront a little before midnight on March 4, 1975. They were spotted by a police patrol, which opened fire. The Fatah men ran from the beach, firing Kalashnikovs and tossing grenades. A block in from the sea, they burst into a modest, three-story building: the old Savoy Hotel. They shot and killed three people in the lobby and took the rest of the staff and guests hostage.

Sayeret Matkal was called in. As the unit went through final preparations for their assault, Uzi showed up. He had a rifle. He was in his everyday officer's uniform, unlike the sayeret team, which was weighted down by special-forces gear. As a former commander of the sayeret, he persuaded them he could help take out the terrorists and locate the hostages. Shortly before dawn, led by Amiram Levin, they attacked. They killed three of the Fatah men within seconds. But another terrorist set off an explosion, collapsing most of the top floor. Uzi joined a couple of the other sayeret men in search of the hostages. He was shot in the head and neck. Seven of the eight terrorists were killed, the other captured. Though five hostages were freed, five lost their lives. Uzi died on the operating table of Ichilov Hospital, a few hundred yards from the *kirya*.

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Though I doubt Uzi's family and friends would agree, my gut feeling was always that his death was one more result, however indirect, of the shambolic way in which we'd organized our attacks on the Chinese Farm. That was part of the reason for my reluctance when Motta told me he wanted me to take Uzi's

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place in the *kirya*. I realized I was the only available replacement with a similar background, and sayeret experience. But I was still gaining brigade command experience. And I couldn't help feeling the role was intended as a kind of rest-and-recovery cure because of my illness, not too different from the reason Uzi had been given the job. Still, I *did* need rest and recovery. Even if fully healthy, I'm not sure I could have convinced Motta to change his mind. In my weakened state, I had no chance.

Skeptical though I was about the job, it opened up a new world to me. The *kirya* itself was not new territory. But now, I became exposed to how how the huge range of intelligence information we gathered was collated, evaluated, assessed and ultimately applied. Helping with this process was my new assignment. There were, in fact, two of us. We were both colonels and together we provided the intelligence background for military operations. I had the post on inside the military intelligence department. My opposite number was in the operations department – the more senior role, in a way, because he had a more direct link to the people actually doing the operations. He was a friend from officers' school: Dovik Tamari's younger brother, Shai. Once a week, Shai and I put together an assessment report. Then, we'd join Motta's operations meeting with the general staff, often attended by the man who'd followed Dayan as defense minister, Shimon Peres.

The analysis of military intelligence included separate teams for Egypt and Syria, Jordan and Lebanon, Iraq and other neighboring states, as well as other countries and superpower relations. It relied on all our raw intelligence material, from both military intelligence and Mossad, as well as academic and specialist literature. Each desk dealt not just with military issues, but political and economic developments. I was responsible, along with Shai and a few others, for bringing all this together. This meant frequent meetings with members of the analysis teams. For the first six months or so, I barely uttered a word in these sessions. I listened, not just absorbing the information but getting to understand the way the analysts worked and thought.

Our whole intelligence department was responsible for drafting an annual strategic assessment for the army and the government. The final report was written by Shlomo Gazit, who had succeeded Eli Zeira as head of military intelligence. Before we sent it to print, he held a long meeting, inviting the views of all the military intelligence officers. The focus in 1976, just three years after the war, was on the risks of a new surprise attack. At the end of the discussion, however, he said: "We know we run a real danger for the country if

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we fail to spot the signs of a war. But has any of you asked yourselves something I find myself wondering from time to time? Is there not a similar risk if we miss the signs of an opportunity for *peace*?"

His words stuck with me for the rest of my time in public life. They also had a strong impact on me at the time. One of the benefits of my job was that I could read the full inquiry report from the 1973 war, including the portions that had been kept classified. Some dealt with the political situation before the war. Golda had relied heavily on a "kitchen cabinet" of trusted ministers and a few close advisers. The inquiry material described how Sadat had been extending negotiating feelers before the war. And how Golda, Eli Zeira, Dado and Dayan had responded. It was like an exercise in collective reinforcement. They agreed the Arab countries would not simply go on living with the humiliation of their defeat in 1967. At some stage, they would try to regain the initiative, on the battlefield. But none appeared to think through the implications of this for our *political* approach. Perhaps, like Eli Zeira in 1967, they assumed a kind of historical inevitability of Israeli triumph. Though we'd ending up prevailing in 1973, it was impossible not to wonder whether, as Shlomo suggested, we had missed the signs of a possible peace beforehand.

Now, however, we were facing an escalating challenge from an enemy with no interest in peace: the armed Palestinian groups. The Democratic Front took over a school in northern Israel a half-year after the war. In March 1975, Fatah had seized the Savoy. And about a year into my posting in the *kirya*, the Popular Front for the Liberation of Palestine launched an even more audacious operation.

It became known by the name of the airport where the ordeal ended. *Entebbe*. And when it began I, like Uzi Yairi, was sitting at my desk.

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Chapter Ten

Sunday is an ordinary working day in Israel, and the first sign that June 27, 1976 would be any different came shortly after noon. It was an urgent message from Lod Airport, now renamed in honor of David Ben-Gurion, who passed away after the 1973 war. Radio contact had been lost with Air France Flight 139 from Tel Aviv to Paris, shortly after a stopover in Athens.

We couldn't know for sure what had gone wrong. Maybe a mechanical malfunction, a glitch in the electronics, a crash. Or a hijack. But we did know there were roughly 300 passengers and a dozen crew on board. Many of the passengers were Israelis, and others were Jews from abroad. Ever since the Sabena hijacking four years earlier, whenever a civilian airliner was thought to be under attack within three hours of Israel, step-one in our response had been automatic. Sayeret Matkal was ordered to the airport.

Because I'd commanded the Sabena operation – the first, and still the only, time we had attacked and freed a hijacked plane – it was probably inevitable I would take *some* part in figuring out how, or whether, to intervene if the Air France plane turned out to have been hijacked. But my pivotal role, as the crisis intensified, was down to a combination of factors: my broader experience as sayeret commander, the fact that I now worked in the *kirya,* just one floor up from the chief of staff, and, as so often, pure chance.

As the sayeret assembled at the airport, its current commander –Yoni Netanyahu, my former deputy – was hundreds of miles away in the Sinai, preparing for an operation across the canal. So it was Mookie Betzer, now Yoni's deputy, who began briefing the men for a possible hostage rescue in case the jet returned to Israel. At the *kirya,* we were also without our commander: Motta was in the Negev observing a major military exercise. So it was his deputy – the head of the operations branch, Kuti Adam – who buzzed me on the intercom at two in the afternoon and summoned me to his office.

By now, we knew the plane had been hijacked, but that it wasn't heading back to Israel. The terrorists had renamed it "Arafat" and it was on its way to Libya. I took the stairs down to Kuti's office, two floors below mine, and he immediately handed me a large, black-and-white aerial photo. It showed the international airport in Benina, just outside Benghazi on the eastern edge of Libya. "Can we do anything, Ehud?" he asked me. I didn't say no outright. But I told him that even if we had a treasure trove of intelligence about Benina –

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which, I soon verified, we didn't – the obstacles would be enormous. Unlike the Sabena jet, this one was a wide-bodied Airbus, and El Al had none of those in its fleet. Even we could find a way to make sure a sayeret team got briefed on the airliner, we'd be mounting an attack-and-rescue operation a thousand miles away. And even if we could take out the terrorists, we were almost certain to face opposition from the former army colonel who ruled Libya, Mummer Ghaddafy. The chance of success seemed slim, the risks enormous.

Soon, however, Kuti's question ceased to matter. Later Sunday night, Flight 139 took off again. Before leaving Libya, the hijackers freed a passenger: an Israeli dual national, with a British passport as well, who managed to convince them she was going into labor. We learned through her that there were four hijackers: two Arabs and two Europeans. It was a PFLP operation, but included members of the far-left West German Baader-Meinhof terror group. They forced the pilot to head for the east African state of Uganda. On Monday evening, it landed at Entebbe Airport, 20 miles outside the Ugandan capital of Kampala and just a couple of hundred yards from the shore of Lake Victoria. It was *five times* further away than Benghazi.

Yet with each passing hour, increasingly alarming radio and television reports focused on the obvious agony of the hundreds of captive passengers. To this day, I've never been able to establish why it was a further 24 hours before we started seriously to work out if there might be some way for us to free them. Prime Minister Rabin was clearly asking himself the same question, however, because on Tuesday afternoon, he called Motta in the Negev. It was now a full *53 hours* after the hijacking, he said. What the hell we were doing to try to come up with a plan? Motta was immediately summoned back to Jerusalem for an emergency meeting of the government. As he was on his way back from there to the *kirya*, Kuti called me back down to his office. "Motta just told them that there is a military option," he said, with a wry smile. Kuti had been a Haganah officer in 1948, in charge of the Golani brigade, head of both the northern and the southern command, and had known Motta for years. "That means we now have to find one."

I had just begun briefing a few of the analysts in my office when Motta returned. When I got to his office, Kuti waved both of us across the hallway to the big, rectangular conference room where general staff meetings were held. On the side of the room was a globe. Giving it a spin, he said: "*Nu*, Motta. Tell me, when you told the government we had a military option, did you even know where Entebbe *is*?" Motta didn't so much as crack a smile. "We have to find a

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response," he said. "I've committed us. Ehud, I want you to check what can be done. Take whatever you need, from wherever you want. Bring me suggestions by seven tomorrow morning." Then, he said, we would go brief the Defense Minister, Shimon Peres.

I assembled a team the same way we'd prepared for special-operations missions in the sayeret: looking for information, intelligence and above all experience and insight from whoever I thought was likely to make that always-narrow difference between failure and success. My first calls went to Mookie Betzer and another of my most trusted and experienced sayeret comrades, Amiram Levin. Then I brought in Ido Ambar, the personal aide to air force commander Benny Peled, and Gadi Shefi, the commander of the *Shayetet 13* SEALs. Finally, two officers from Dan Shomron's office. Since Dan was *katzhar*, in overall command of paratroop and infantry forces, it was critical to keep him in the picture. I told them all that we'd be working through the night, and that I had to be able to tell Motta and Shimon by the morning whether we really could mount a rescue mission.

I still thought I'd end up having to tell them no. However difficult the obstacles we'd faced with Sabena, they were almost child's play compared to getting a sayeret assault team 5,000 miles across the continent of Africa, surprising the terrorists, freeing the hostages unharmed and getting them out. That was even assuming, as I did at that point, that we wouldn't face armed opposition from the troops of Uganda's increasingly tyrannical president, Idi Amin. Amin had begun to align himself politically with the Palestinians in the past few years – one reason, no doubt, the terrorists had landed there. But he had actually been on a paratroop course in Israel before taking power in 1971. We had sent officers to help train his army in the early 1970s.

Now, I discovered, Mookie himself had been on one of the training missions. "Their men aren't great fighters, at least at night," he said, an insight of obvious relevance to planning a commando attack, if we could get that far. When Ambar, the air force aide, spoke up, I finally began to feel we might at least be able to put together the outline of a plan. He'd brought with him a copy of the standard reference book on world airports, which gave us at least a general idea of the layout of Entebbe. He also said that the air force had run a training program for the Ugandans. In Entebbe. He'd contacted one of the reserve pilots who had been on the training mission, and he was on his way to join us.

Still, time was short we were nowhere near being able to recommend a specific plan of action. The hijackers had set a deadline – noon on Thursday,

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July 1, now less than 36 hours away. Having moved the passengers off the plane to one of the terminal buildings, they were threatening to start killing them unless we freed a list of 53 Palestinians and PLO supporters, forty of them held in Israel and the rest in a number of European countries, and paid a ransom of five million dollars.

Well past midnight, we started looking at our options. One which seemed – briefly – to hold promise drew on suggestions from Ido Ambar and Mookie. Ido's almost rhapsodic description of the capabilities of our C-130 Hercules transport planes convinced us we could parachute in a Sayeret Matkal team, as well as vehicles for them to use on the ground. Mookie and I agreed that to ensure surprise, we would disguise the commandos as Ugandan troops, in "Ugandan" Jeeps. The final twist came with the arrival of the reserve air force officer who had been on training duty in Entebbe. He brought a reel of 8mm film from an official ceremony at the airport. At the start, a Ugandan army general could be seen arriving in a black Mercedes. "That's it!" Mookie said. "The Mercedes. Every top Ugandan military officer has one." We decided to swap one of our Jeeps for a jet-black limousine.

Yet by daybreak on Wednesday, when I went up to brief Motto, we'd set aside the option of a parachute drop. Any initial surprise would be outweighed by the risk of exposure from the very start of the assault. We'd also gone cold on a second option, to infiltrate sayeret teams along the shore of Lake Victoria from across the nearby border in Kenya. I doubted we had enough time to navigate all the operational and diplomatic obstacles before the deadline expired. That left option three: having the SEALs, along with a core team from the sayeret, parachute onto Lake Victoria with rubber dinghies and attack the airport from on foot. We arranged to do a test parachute assault off the Israeli coast in Haifa later in the day, but if that went well, it seemed the only practical alternative.

Motta and I went met Peres around 8:30am. Shimon had no first-hand military experience, having played a political role alongside Ben-Gurion from Israel's early years. So he was not really interested in the details. But he *was* keen to hear our assurances that a military option did exist. He was even more intrigued when we were joined by the head of the air force, Benny Peled. Unaware of the airborne parachute drop we had been discussing overnight, Peled suggested something far more ambitious. Rather than using a single Hercules, he proposed using four of the giant transport planes to ferry in a larger force, some 200 men in all, land them on one of the runways and take over the

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entire airport. Though I didn't say so, I had my doubts it would work. It was a bit like the initial option for the Rue Verdun raid Dado had rejected: a classic ground assault which, in addition to eliminating any chance of surprise, obviously ran the risk of igniting a small ground war. But I did think that some combination of Peled's idea and the surprise commando strike we'd been looking at might provide an answer.

A few hours later, the hostages' ordeal took a chilling turn, which soon also provided us with our first real detailed picture of the scale of the challenge we faced. In a haunting echo of the Nazis' "selection" process in the Holocaust, the terrorists separated all the passengers with Israeli passports or Jewish names. They let the rest of them go, and allowed them to board a special Air France flight back to Paris. We immediately dispatched Amiram Levin to debrief the freed passengers. On a scrambled teleprinter line Wednesday night, Amiram came up with far more than we could have hoped for. One of released passengers was a French woman who had managed to hide the fact she was Jewish. She confirmed reports we had been getting that the hostages were being held in the airport's former terminal building, about a mile from its newer terminal and the main runways. Other passengers revealed that the hijackers had placed explosives around the old terminal building. And that, despite my hope that Idi Amin would stand aside if we did decide to go in and rescue the hostages, his troops were helping to guard the area.

So in addition to taking on the hijackers, we'd have to find a way to deal with Ugandan soldiers. In another round of discussions in my office through the late hours of Wednesday night, we finally settled on our plan: Peled's major airborne operation, but with a Sayeret Matkal strike force, with its "Ugandan" motorcade, spearheading it. Minutes later, three other C-130s would fly in additional troops to secure the rest of the airport, deal with any Ugandan army resistance, and fly out the Israeli soldiers and the hostages.

An operation on that scale naturally meant bringing in Dan Shomron. After I'd taken the plan to Kuti Adam, he briefed Dan on the full detail and called me down to see him again. Dan had left to start preparations for the operation. He'd made just one request, Kuti said: that I be in command of the sayeret force.

* * *

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I could see why Dan had said it. Working with Mookie and the rest of my team, I'd been in charge of all the initial planning. I was in command of the Sabena assault, the only remotely similar operation Israel had attempted. Though an attempt to rescue dozens of terrified hostages in Entebbe, with both the terrorists and possibly Ugandan soldiers armed and ready, would be much harder. As Sayeret Matkal commander, I'd conceived and commanded other missions that requiring us to break new ground. But – and it was a huge but – I knew from the moment I left Kuti's office that I would have to find a way to avoid undermining the *current* sayeret commander, Yoni. Dan had clearly been aware of that as well. He'd stressed to Kuti that he meant no disrespect to Yoni. "But I *know* Ehud," he said. "I've worked with him. I want him to lead it."

Yoni was still in the Sinai. I'd phoned him before our first overnight planning session to tell him I was bringing in Mookie and Amiram. Mookie had been giving him daily updates. But the clock was ticking. Under the initial deadline, the hijackers had threatened to begin "executions" on Thursday. *Today*. The deadline had now been pushed back, but only until Sunday morning – and only after Rabin felt he had no option but to drop our public refusal to consider negotiating with them.

When Dan called our first operational briefing for Thursday night, Mookie sent a plane to bring Yoni back. Dan set out the plan with his customary confidence. The four Hercules would take off on Saturday evening from Sharm el-Sheikh at the southernmost tip of the Sinai, to cut the flying distance at least slightly. The first plane would land on the runway near the new terminal. Inside would be a small unit of paratroopers, the sayeret strike force, a pair of Jeeps and the Mercedes. The next Hercules wouldn't arrive for another seven minutes: the most critical minutes of the whole operation. That was when our "Ugandan motorcade" would make its way to the old terminal, burst in and take care of the terrorists. The second Hercules would include another Sayeret Matkal team, to reinforce the attack unit and secure the perimeter of the old terminal. Hercules Number Three, a minute later, would carry a joint force of sayeret fighters, paratroopers and a Golani team. Their job would be to take over the new terminal and the rest of the airport and deal with any Ugandan army resistance. The final plane was a flying medical unit, to provide treatment for the hostages and carry them back to Israel.

Yoni arrived just as Dan was finishing his presentation. He looked focused, energized, and eager to play his part. I realized it was important to explain to him the decision to place me in command. Despite our close relationship, I

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knew that would be a sensitive task. We spoke only briefly before he and Mookie drove back to the sayeret base to begin more detailed preparations. Yoni was insistent that he should be in charge. I told him I understood, and I did. In his position, I would have felt exactly the same way. But for a variety of reasons, Dan wanted me in command. Still, I stressed my determination not to detract from his authority. Yoni would lead in the main assault unit. He and Mookie would choose the other officers and soldiers, decide their roles and take charge of training, briefing and logistics. I could tell he was still not satisfied. But I told him and Mookie I'd join them later that night. We could talk further, ahead of the next full briefing, which Dan had set for nine o'clock on Friday morning on the sayeret base.

When they left, I joined Dan, Motta and Kuti to go see Rabin. Shimon Peres was there too. He would later say that, as Defence Minister, he was a crucial voice in pressing to go ahead with the rescue mission. He's right, and had he been sceptical, or opposed the idea of a recuse, it would have made things much more difficult. But his position was far easier than the Prime Minister's. He lacked Rabin's hands-on command experience, his grasp of the details of what we were proposing to do and the obvious risks. All Israelis were aware of this. I the operation failed, or if we decided in the end not to attempt it, it would be Rabin who would bear the responsibility and get the blame.

Even under the best of circumstances, Rabin was naturally cautious – the flipside of the meticulousness with which he ran through the fine detail of every military mission. As I remembered from when he was chief of staff, in our slightly surreal conversation about the danger of a booby-trapped communications intercept exploding as I defused it, he would focus on everything that might conceivably go wrong with an operation before approving it. Now, he was also under huge additional pressure. From the start of the hijack crisis, there had been calls from the hostages' families to *do something* to end the ordeal. But as I later discovered, one of the leading scientific engineers in Israel, Yosef Tulipman, had a daughter among the passengers. Like Yitzhak, he had been a Palmachnik. He'd come to see the Prime Minister and implored him not to attempt an operation that might endager her or the others. "I demand one thing only," he said. "Don't go on any adventures. Do not play with the lives of these people, with the life of my daughter."

After Entebbe, there would be suggestions that Rabin's readiness to negotiate with the terrorists had been a ploy, designed to buy time. Yet his message to us that night was that if there *was* a military option with a

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reasonable chance of success, he would approve it. But otherwise, we could not let dozens of hostages be murdered if by talking, even deal-making, we could have saved them. He turned to Dan and asked whether there indeed was a military option with a reasonable prospect of getting the hostages out. Dan said yes. Rabin turned to me next. I agreed: we had a plan, and we felt we could make it work. Motta was a bit more hesitant. He suggested we couldn't know for sure until we'd finished testing key parts of the operation. But for Rabin, it seemed to me Dan's was the key voice. So he told us that he was approving it. *In principle*.

He said he still needed answers to two questions. The first was whether it was physically possible to cross from the new terminal area, where we'd be landing, to the old terminal buidling. He was right to press us. If a retaining wall or a drainage trench had been added druing the modernization work on the airport, any element of surprise could be lost. Rabin's second condition was that we find a way to make absolutely sure, by the time the first Hercules landed, that the hostages were still in the old terminal building. I knew why that troubled him, from a remark I'd heard him make a few years earlier when describing an American hostage-rescue raid behind enemy lines in North Vietnam. That operation went exactly as planned. Except that the POWs had been moved.

I drove to see Yoni and Mookie at the sayeret base. We spent most of the meeting on the opening few minutes of the operation: the rolling out of the vehicles, the drive to the old terminal, and how to handle the possibility that we might meet Ugandan resistance. Mookie remained adamant about the Ugandans, from his time training them a few years earlier. Even if we did run into a group of Amin's troops, even if they were armed, even if they were pointing their guns at us, *even if they shout at us to stop*, they "wouldn't dare open fire on a Mercedes." I trusted his experience. I kept emphasizing that we had to go in with the mindset of *not* engaging Ugandan troops unless there was no choice. If we did need to do so, we would use only small, silenced Berettas – since I'd made sure the unit trained on the Berettas after Sabena.

I also raised another critical condition for success. "There will *definitely* be an armed presence in the control tower," I said. We needed to designate a special unit whose sole job would be to train machine guns, rifles and grenade-launchers on the tower as soon as we got off the Hercules. "The *moment* that we lose the element of surprise, they open fire."

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Dan began the next morning's briefing with a stage-by-stage review of how the operation would unfold. But just as he was getting to the detail of the motorcade attack, I felt a young sayeret officer tap me on the shoulder. Kuti had phoned to say I was to go see him at the *kirya*. "He said immediately," the officer added, "and not to discuss it with anyone. Just to tell Dan Shomron that you've been taken out of the operation."

* * *

To say I was surprised would be an understatement. But I allowed myself to believe the decision to "take me out" could still be reversed. Not only was I ready to command the critical first part of the operation. I believed I was best placed to ensure it succeeded. I felt that was best for Yoni, too, due to tensions inside the sayeret of which both of us were aware.

There was no officer to whom I was closer than Yoni. He had extraordinary strengths as a soldier: in the Six-Day War, in 1973, and afterwards when, with my encouragement, he'd taken command of a tank battalion in the north left almost in tatters from the Yom Kippur War. But there was more to him as well. I used to marvel how at the end of 16 hours of sayeret training, he could spend a further two or three reading history, or a novel or poetry. He always struggled between the impulse to devote his life to fighting for the State of Israel, and to studying, reading and living as a more "normal" family man.

His drive to serve, and to excel, was stronger. Tuti Goodman, the young woman he'd met as a teenager and married, understood what drew him to a life in uniform. But that wasn't what she had signed up for. At one point, Yoni asked me to speak to Tuti. She asked me to speak to him. I did my best to explain each to the other. But the gap between what each of them wanted for their lives was just too wide. Before the 1973 war, they'd separated. After the war, professionally fulfilled but personally shattered, Yoni heard that I'd found an apartment in Ramat Hasharon, and he asked me if there were other flats in the building. It turned out that the owner of the flat below ours was willing to rent it. Yoni snapped it up.

Over the past year or so, with Yoni leading the sayeret and me in the *kirya*, we'd seen more of each another. For the first time in years, he seemed to have found a sense of peace, and fulfillment, in his personal life. That was in large

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part because of Bruria Shaked, his girlfriend, whom he'd met while commanding the tank unit after 1973. While he was a thinker and a brooder and in many ways a loner, Bruria was outgoing, playful, funny and full of life. She sensed *his* need for a shoulder to lean on, a hand to hold at the movies or on a Saturday stroll on the beach. They made their apartment a home. The shelves creaked under the weight of Yoni's books. Often on a Saturday, when Nava and I dropped in to see them, an old 33 rpm record would be playing on the stereo. Yoni would be sitting puffing on his pipe, reading, and smiling.

But outside this domestic haven, he still struggled. He had looked forward to commanding Sayeret Matkal. But there was a growing distance between him and those he led, a kind of dissonance between these more typically Israeli youngsters and the aloof, reflective, intellectual side of their commander. There was another tension as well. Sayeret training was notoriously tough. Yoni earned the admiration of his men by participating personally in the most difficult of the exercises. But just as he pushed himself to his limits, he insisted relentlessly on seeing the same drive in them. This was a challenge all sayeret commanders faced to some extent. I had, too. But a number of the officers had gone to the *kirya* to urge that Yoni be replaced. He knew this. Though I tried to reassure him, telling him that every sayeret commander was different, with his own strengths and weaknesses, he became only more determined to push himself and those around him harder.

No we were in the final countdown for Entebbe. It was a life-or-death mission not just for us, but the hostages, an operation in which even a second's hesitation or tension or uncertainty could prove fatal. I was worried that the rumblings of uneasiness in the unit might prove an additional obstacle that wasn't worth the risk.

When I tried to persuade Kuti to stick with the original plan, however, he was insistent. He told me to get ready to fly not into Uganda, but to Nairobi. I'd been re-assigned to accompany a Mossad team to Kenya. Our first task would be to get the answers to the questions Rabin had asked us. Then, we would be in charge of arranging for the Kenyans to allow us to refuel the C-130s on the way out, and to set up a medical facility for any injured soldiers or hostages. During the attempted rescue, I would also be the channel of communications from the Nairobi side of the operation to Kuti, tens of thousands of feet above Entebbe in a command 707. Dan, as overall commander, would be in charge on the ground.

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The Kenyans were not exactly allies of Israel. But relations between President Jomo Kenyatta's security services and Mossad had been close for some years. I flew in with three leading Mossad men. While one of them called on the aging President Kenyatta, our main point of contact, was the head of Kenya's security services. Since the secrecy of the mission had to be preserved, we couldn't make advance preparations for refueling or the additional 707 which we intended to fly in as a field hospital. But he smoothed the way for us to do both, without anyone asking too many questions.

The Mossad men took the lead in arranging to get Rabin's questions answered. They contacted a pilot they knew. The pilot flew to Entebbe early on Saturday morning, circled, and, after he was cleared to land, claimed mechanical difficulties and flew out again. I had his telephoto pictures by mid-morning and phoned Rabin's intelligence officer to let him know we'd confirmed there was a clear path to the old terminal. We still had to make sure the captive passengers were there, however. A nurse from Kampala who had been allowed to visit them made three further visits: late Saturday afternoon, then shortly after the first Hercules had taken off from Sharm al-Sheikh, and finally around nine at night. I was able to reassure Rabin that the question to his second question was also "yes". Although all of the C-130s were already airborne, it was only then that he gave the mission the final go-ahead.

As commander of Sayeret Matkal, I'd always found running an operation from a command post hugely frustrating. This was even worse. Once we got word the Israeli force was on the way to Uganda, we put in place the arrangements for refueling. If all went well, the first C-130, with Yoni's assault team and at least some of the hostages, was due to reach Entebbe and begin the assault at midnight Saturday. Assuming there were no major problems, it would take an hour at most. All *I* could do now, from 300 miles away, was wait.

Shortly after midnight, Kuti radioed me with a terse message: the first of the Hercules had left Entebbe for Nairobi, and the command plane was returning to Israel. About quarter to one in the morning on July 4, the transport planes began their staggered arrival. When the first Hercules taxied to a halt, I went out to meet it. As its giant rear door lowered, Dan was the first person I saw. I could tell from the awkward silence, the lack of any greeting, something must have

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gone wrong. "Ehud," he said finally, "Yoni's dead. We got the hostages out. But Yoni was killed."

I sought out two other friends: Mookie and Ephraim Sneh, the Battalion 890 doctor, who had been with us at the Chinese Farm. Both were obviously torn between a sense of accomplishment in having freed the hostages and the blow of losing Yoni. I asked Ephraim to take me to the front of the plane's huge belly to see him. He was on a stretcher, covered with a blanket. I peeled it back. Yoni's face had lost all color. But when I touched his forehead, it seemed slighty warm, almost as if there was still a spark of life inside him.

I couldn't raise Kuti by radio, so I used the landline in the airport director's office to phone Motta.

"Yoni is dead," I told him.

"Are you sure?" he asked. I said: "Yes. I've seen him."

Before the transport planes began leaving for Israel, I made another call. It was to Nava. She was asleep. I told her that the operation to free the hostages had succeeded. "But Yoni has been killed." I could hear her gasp. "Listen," I said, "you have to go downstairs. Tell Bruria. Before some army officer shows up at her door. Or worse, because they're not married, no one may come and she'll hear it on the radio. Go. Tell her. Stay with her." At first, she seemed not so much unwilling as unable to do it. "What can I *say*?" I said I knew how hard it would be, but that she needed to make sure Bruria heard the news from a friend. Later, Nava told me she'd waited until daybreak, not wanting to make things worse by waking her. Then, she went downstairs. She told Bruria what had happened, stayed with her, talked with her, and held her, during those first few awful hours.

I found Yoni's death even more upsetting when I learned from Mookie and others how it had happened. As the sayeret motorcade began making its way from the Hercules to the terminal, with Mookie and Yoni in the Mercedes, two Ugandan soldiers had seen them. One of the Ugandans raised his rifle. Rather than relying on Mookie's assurances the soldier wouldn't actually fire, Yoni and another soldier shot him with their silenced Berettas. But they'd only wounded him. In case he managed to fire back, another soldier in the Jeep behind them killed him, with his *un-silenced* machine gun.

Now that all surprise was gone, the commandos abandoned their vehicles and began sprinting towards the old terminal. Only seconds later, still 80 yards

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or so from the terminal, Yoni was hit. He'd been shot from the control tower. I realized that unexpected setbacks or slip-ups were inevitable in any operation. But the crucial first stage of the attack had not only gone wrong. It had gone wrong in exacrly the way that we had first discussed back at the sayeret base, and now Yoni was dead because of it.

I had to remain in Kenya for a few more days. Though we'd rescued 102 passengers and crew, three of the hostages had been killed in the crossfire. While most of the injuries to the others were minor, we arranged to have several of the more seriously wounded taken to a Nairobi hospital. So I was unable to join the gathering of hundreds on Mount Herzl in Jerusalem for Yoni's funeral. Or to hear Shimon Peres praise him in terms I knew must have filled his parents and Bibi, too, with enormous pride. Shimon described him as "one of Israel's finest sons, one of its most courageous warriors, one of its most promising commanders."

The first evening I was back, however, I visited the Netanyahus at their family home in Jerusalem: Ben-Zion and Tzila, the parents; Ido, the youngest of the three children, and Bibi, who was still at MIT. It was a few nights in the *shivah*, the seven days of mourning, and there were dozens of other well-wishers there as well. I spoke to Bibi first, outwardly strong but I sensed still overwhelmed by their loss. Hugging him, I said the weeks ahead would be tough, not just because of Yoni's death, but because much of the responsibility of providing emotional support for his parents, both in their sixties, would fall on his 26-year-old shoulders. This was the first time I'd met the father, Ben-Zion, face to face, but I was struck by how this balding, professorial figure seemed able to keep inside the pain and loss he must have been feeling. He did clearly know of me, both from Bibi and from the frequent letters always wrote to him at Cornell. Now, after I'd said what I could to comfort him, he asked whether we could meet again. When we did, a few days later, he was clearly conscious of the his late, lost son's bourgeoning place in Israel's pantheon of national heros. He asked me to be one of the speakers at Yoni's *shloshim*, a commemorative event in Jerusalem which, in Jewish religious tradition, would mark the end of the first month of mourning. "You knew him well," he said, and proceeded to stress the importance of using my remarks to explain, and elaborate on, Yoni's powerful accomplishments and personal legacy.

I thought about what he wanted, and about Yoni himself, in the days ahead. About the tragedy of his death, but also the way in which all of us now had to draw meaning, value, and ideally something of permanence from the feelings of

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loss. As I prepared my notes, I also spent time working out how to square what I felt I needed to say, with what many in the audience, and certainly Ben-Zion and Bibi, would *expect* me to say. Not only was Yoni being mourned across Israel after Entebbe. He was being elevated – in the spirit of Shimon's words at the funeral –to something approaching sainthood. I did not want to detract from his evolving status as national hero, or his importance as a symbol of a commando success which had, for the first time since the 1973 war, restored a measure of Israeli sense of self-confidence. A victory, over all logic and all odds. But I also wanted to find a way of capturing Yoni as he really was: a brave man, an extraordinary fighter and officer. But also a man sometimes feeling torn inside, and alone.

I began with words of ancient rabbinic wisdom about the path which all of us travel from birth to death, and to whatever comes after. The quotation I chose – from the 2,000-year-old volume known as *Pirkei Avot*, the *Ethics of our Fathers* – seemed right to me. "Know where you came from: a putrid drop... Know where you are going: to a place of dust, maggots and worms... And know before whom you are destined to give your final account, the King of Kings." I spoke of the loss of Yoni, and said it was impossible not to think about the meaning of what lay between the "putrid drop" where each of us begins our life and our final reckoning. "I believe that life is not just a sum of the hours and days between the beginning and the end. It is the *content* we pour into the space in between," I said. I'd known people who were given the gift of a long life but who, by that definition, had hardly lived at all. There were also people like Yoni. He'd lived only briefly. But he had learned and loved. Fought and trained others to fight. Grappled with the most profound puzzles of existence, and yet remained open "to the wonders of a smile. A journey. A flower. A poem." If there was any consolation for a life ended cut off at age 30, I said, that was it.

But I wanted to give a more personal, nuanced picture of the life that he, and we, and lost. "Our Yoni… We have seen him torn between his passion for knowledge on the one hand, and the sense of mission and of personal fulfillment that he found in uniform. There was the Yoni of history and philosophy books: Plato and Marx. Who saw the history of Israel not just as a compendium of facts, but a source of inspiration, and a call for action. The Yoni who rebuilt a tank battalion reduced to ashes and dust on the Golan. And there was the Yoni at peace. Tranquil. At home. With his pipe and his phonograph records, out of uniform. We saw him in his hours of supreme achievement and satisfaction. We saw him, too, sometimes standing alone, with pain in his heart, biting his teeth,

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carrying the heavy, lonely burden of commanding the very fighters who he was leading when he fell.

"We have seen him on the battlefield, engaging the enemy, heading into a test of fire with courage and wisdom and his indomitable spirit – the very essence of the spirit that made possible the operation in which he would lose his life." Because, make no mistake, I said: beyond the weapons used, the people who participated, the training and exercises before the fleet of Hercules had taken off; beyond the fine balance required in the planning, execution, and decision-making; it was "this spirit, this essence, that was tested at Entebbe."

When I saw Yoni's family afterwards, though they thanked me for my remarks, I could see that they were still bleeding inside. I am sure that affected they way they related to Bruria. Even before Yoni met her, he had told me how hard his parents were finding his separation from Tutti. Bruria attended the funeral and the *shloshim*. But she didn't sit with the family. I think that with the shock of his death, mixed with the pride they felt at his emergence as a national hero, they found it difficult to include her, a woman they hardly knew, in their mourning.

A few weeks later, I go a call from the Netanyahu family's lawyer, Erwin Shimron. It was an odd, rambling conversation. He seemed to insinuate that, as her and Yoni's neighbor and friend, I was encouraging the unwelcome idea that Bruria was part of the immediate circle of the bereaved, that this mere girlfriend was somehow his widow. He wanted me to withdraw whatever mantle I might be providing, and help separate her from Yoni and his legacy. He went so far as to say that one reason he was calling me was because he didn't want to have to take "legal steps" to make that happen. I saw no point in getting into an argument. I sensed that, while it would take time for the grief felt by those closest to Yoni to begin to heal, the issue would gradually resolve itself. But I saw even less point in leading the lawyer to believe I would do what he was suggesting.

"Mr Shimron," I told him. "I knew Yoni. I know Bruria. I do not know you. But I have a musical ear. I don't like the undertone I hear in what you've been saying. I've seen them close up. Bruria gave Yoni, at a critical time in his life, probably more warmth than he ever received from any other human being."

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Yet despite Entebbe, the trauma of the Yom Kippur War, and the cracks it had shaken loose in Israeli society and politics, were yet to play themselves out. The hostage rescue was like a sugar rush, an intoxicating reminder that the army still had the capacity for initiative and precision, audacity and quick-fire victory – like our air strikes in the first hours of the 1967 War. But the *real* reckoning over 1973 was about to come. It would change Israel beyond recognition, with repercussions still being felt today. It would dramatically alter the course of my life as well.

I still remember the moment it hit home, on the evening of May 17, 1977. As Nava and I watched in our tiny living room in Ramat Hasharon, Chaim Yavin, the anchorman on the country's only TV channel, was handed an exit poll from Israel's latest national election. He began with three words: *Gvirotai verabotai, Mahapakh*. "Ladies and Gentlemen, a revolution." For the first time since the state was declared, Israel's government would not be in the hands of David Ben-Gurion or his Labor Zionist heirs. Our next prime minister would be Menachem Begin, who had inherited the mantle of Jabotinsky's Revisionist Zionism. He'd headed its youth wing, Betar, in eastern Europe, and led the Irgun Zvai Leumi, the main right-wing militia force before 1948. Lacking the intellectual depth and subtlety of Jabotsinky –a liberal intellectual who, among other things, translated Dante into Hebrew – Begin drew his political strength from his powerful oratory, and a refusal to countenance any compromise in securing what he viewed as the ultimate goal: a Jewish state in all of biblical Palestine, from the Mediterranean to the Jordan River, with whatever military force was necessary to secure and sustain it.

But perhaps Yavin should have used a different metaphor in his dramatic election-night broadcast: *reidat adamah*, an earthquake. Begin's victory, after the loss of eight straight elections over three decades, was the culmination of seismic rumblings which had been building for years. The big, decisive, shock was the 1973 war. Yet this was not just because of the colossal intelligence failure, or the myriad errors of our military commanders and political leaders. It was the fundamental loss of *trust* in the cosy, self-perpetuating establishment that had dominated all aspects of Israeli politics, society and culture from the start: Palmachniks like Rabin and Dado; political players like Golda and Shimon Peres; Haganah veterans like Dayan and Bar-Lev; and, of course, the kibbutznik pioneers. Almost all were of East European background –

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Ashkenazim – and their prominence and privilege had stoked increasing resentment among Israel's disadvantaged *Sephardi* majority, with their roots in the Arab world and especially north Africa.

Begin not only sensed this. While he'd never lost the formal bearing – or the accent – from his childhood in Poland, his long years in Israel's political wilderness mirrored the wider exclusion felt by the *Sephardim*. The last election he had lost, in December 1973, proved too soon for the earth to part. But he told his supporters: "Even though Labour has won *these* elections, after something like the Yom Kippur War happens to a country, and to a government, they must lose power. They *will* lose power." He was right. Only twice in the four decades that followed would a Labor leader defeat Begin's Likud party: Rabin's election victory in 1992, and mine over Bibi Netanyahu in 1999.

During the first two years of Begin's rule, however, I was 7,000 miles away. Ten days before the election, I'd gone to see Motta, and he'd agreed that I could return to Stanford, to finish what I'd barely begun when the 1973 war broke out. I had been in the army, with the one hiatus as a sayeret reservist at Hebrew University, since the age of seventeen. I did not regret committing myself to a life in uniform. But Stanford offered an extraordinary opportunity to broaden my horizons. Even in the few weeks I'd spent there before the war, I'd felt reinvigorated. It engaged a different kind of intelligence, a different part of who I was: the books, the professors. A chance to listen to, and at least try to play, beautiful music. And to spend more than a few stolen evenings or weekends with my family.

The timing had nothing to do with the election. Like most other Labor Israelis, and many of Begin's own supporters, I hadn't expected the Likud to win. It was because I felt I'd reached a natural punctuation mark in my military career. I'd led Sayeret Matkal. I'd commanded a tank company, a battalion in 1973, and, more briefly than I'd hoped, the 401st Brigade after the war. I'd spent the last two years in the *kirya*. The next step up the command chain would be to lead a full armored division. But at age 35, I was probably too young, and I figured I'd have a far better chance in two years' time. I also feared losing the chance to go to Stanford altogether. Motta's term as chief of staff would end the following year. Among those in the frame to succeed him was Raful Eitan. Recalling Raful's dismissive, almost sneering, opposition to my making the Sayeret Matkal into Israel's SAS, I wasn't exactly confident I could count on his support.

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Reluctant though I'd been to leave the 401st for the *kirya*, I had particularly enjoyed the last year. I was promoted to Shai Tamari's job, in charge of the intelligence team for our military operations, when Shai left to command a tank brigade. My office was no longer on the third floor, but in the underground bunker, the *bor*. I was part of nearly all high-level planning meetings, often with Motta, sometimes also including Peres. Almost everyone around the table was older than me, and outranked me by some distance. Yet with my intelligence brief, I was often the one with the most thorough command of the details. Though still just a colonel, I'd risen through Sayeret Matkal. I knew the planning process from the other side as well, having attended the same sort of meetings, from the early 1960s, to present *our* operations. So I was often asked, and always welcome, to weigh in on what would work, what wouldn't, and why.

My final year in the *kirya* also further cemented my relationship with Motta. Though as chief of staff, he tended to keep a formal distance from all but his fellow generals, he did seem to enjoy having me around. He even put me in charge of a new department of my own. Not officially. The "department" was strictly ad hoc, as was the name which Motta gave it: *Mishugas*. The Yiddish word for craziness.

All army commanders, in all countries, receive their share of unsolicited advice. But I can't imagine any of them gets the number, or sheer range, of wild suggestions which make their way to the *kirya*. Everything from levitation machines, to ideas for making tanks fly. Motta didn't have the time to read all the letters, much less sit down with the self-styled inventors or sages who showed up in person. Still, he couldn't be sure that a jewel of an idea wasn't lurking inside one of them. As an insurance policy, he began sending all the letters, and every supplicant, to me.

I never found the jewel. The most vivid memory I have is of a visit from a former soldier in *Shaked*, Israel's Negev reconnaissance and tracking unit. He had taken up meditation, and the study of ancient civilizations. Fresh from a period of contemplation in the desert, he arrived in my office with a pamphlet he'd written. It was about special-forces strategy and training, as practiced *eight centuries* earlier, in the time of Genghis Khan.

I listened for nearly an hour, enjoying his enthusiasm, the history lesson, and the simple weirdness of it all. I did check his facts afterwards. If nothing else, he proved an assiduous student of the Mongols. He explained to me that in their largest battles, involving tens of thousands of troops, they would designate a

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commando unit of a couple of dozen men. Its sole task was to seek out and kill the enemy force's leader. The key to their success was *mind*-training. Over a period of months, sometimes years, the commandos' *self-perception* was altered. They were taught to believe that they had already died. Since their lives on earth were done, all that remained was a formal passage through the turnstile into eternal happiness, and to go out in glory. My visitor not only suggested that Israel establish exactly this kind of death-cum-suicide unit. He volunteered to train the men himself, and lead the first mission. With as straight a face as I could muster, I thanked him for taking the time to see me. But I told him his idea was probably not for us. Little did I know that a whole new kind of enemy, epitomized by Al-Qaeda and the self-styled Islamic State, would build a terrorist death cult around it.

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Nava and I, with three-year-old Yael, and Michal just turning seven, left for California in the late summer of 1977. The two years that followed were uplifting and reinvigorating – not just because of Stanford, but a further, utterly unexpected transformation back home soon after we'd left.

It, too had its roots in the 1973 war, but on the Arab side. Before the war, Egypt's Anwar Sadat had extended feelers about the possibility of peace negotiations, only to see them ignored. Israel won the war in the end. But the Egyptians' surprise attack across the canal – and the panic and huge Israeli losses in the early days of the war – had shattered our aura of invincibility. Politically, Sadat had gone a long way to erasing the humiliation of 1967. That freed him to do something which – after decades of Arab-Israeli conflict – was astonishing. He travelled to Jerusalem, the capital of a country which neither Egypt nor any other Arab country even recognized. He met Begin, and he addressed the Knesset with a call for peace.

It is impossible to convey to Israelis who did not live through the birth of the state, and our tumultuous early decades, the power of the emotions stirred by Sadat's visit. It was on November 19, 1977. With my arm around Nava, I watched the live American television coverage as Sadat's plane touched down at Ben-Gurion airport. Begin was at the center of the throng of dignitaries on hand to greet him: a who's who of political and military leaders not just from his administration, but who had led Israel in 1967 and 1973. Golda was there.

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Rabin, too, puffing furiously on his cigarette. When the erect figure of Sadat emerged, there was spontaneous applause, and a serenade from Israeli army trumpeters.

Even before Sadat's Knesset address the next day, I understood that his visit, his willingness to make the first, bold move toward a possible peace, marked just the beginning of a difficult negotiating road. But there was one passage in his speech that touched me especially. He ran through the history of how Egypt and other Arab states had not just fought Israel, but denied our right to exist as a state. "We used to brand you as *so-called* Israel," he said. Now, the leader of our most important Arab enemy declared: "You want to live with us in this part of the world. In all sincerity, I tell you that we welcome you among us, with full security and safety."

The formula he proposed was straightforward. Egypt would agree to a full peace, accepting and formally recognizing the state of Israel. But Israel would have to withdraw from all Arab land captured in 1967, including "Arab Jerusalem." We would also have to accept the "rights of the Palestinian people to self-determination, including their right to establish their own state." Begin's reply was more sensitive than I'd expected from a leader who, through my Labor kibbutnzik eyes, I'd always seen as an extremist, unwaveringly committed to a "greater Israel". Though he did make it clear his views on the shape of an eventual peace differed from Sadat's, he proposed further talks with the aim of finding an agreement both sides could live with. Still, like all Israelis, I knew he would never accept at least two of the Egyptian president's demands: a retreat from our control of a united Jerusalem or the creation of a Palestinian state on the West Bank of the Jordan: for Begin, biblical Judaea and Samaria.

On our territorial dispute with Egypt, I did believe a deal was possible. I didn't expect us to return all of the Sinai, if only because I couldn't see Begin agreeing to it. For security reasons, I also felt we should try to hold on to a pair of air force bases built after 1967, with American help, just a few miles over the Negev border. But as for the rest, I saw no reason not to give it back. As I'd told Motta after the 1973 war, I'd long believed Israel had lost sight of the original reason we'd held onto the Sinai after 1967. It was supposed to be a huge, sandy security buffer. If we did manage to make peace with Egypt, there was surely no reason to hold on to it.

The moment of truth came almost exactly 10 months later, in September 1978. American President Jimmy Carter hosted a summit with Begin and Sadat at Camp David, in search of a "framework agreement" for final negotiations on

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a peace treaty. Again, I was watching closely, via American TV. But as the summit was winding down, our phone suddenly rang in Palo Alto.

"Ehud, how's it going? Are you following what's happening here? What do you think?"

I recognized the voice immediately: Ezer Weizman, the former fighter pilot Begin had chosen as his defense minister. I'd known Ezer since the early 1960s, when he'd been commander of the air force and Sayeret Matkal was planning its first operations. Still, even though he had a reputation for batting ideas back and forth outside the bounds of hierarchy or chain of command, I was startled to hear from him.

"What do I think about *what*?" I said.

"The solution we've arrived at here. We found there was no way but to give back everything." The only exception was Taba, a sliver of land where the Negev met the eastern edge of the Sinai, across from the Jordanian town of Aqaba.

"Was there no way to convince them, even with some kind of a land swap, to keep the two air bases?" I asked.

"Believe me, we wanted to," Ezer replied. "But no way. Not if we were going to get a peace treaty."

So I said the obvious: if that's what was necessary for peace, there was no other choice.

We were now well into our final year at Stanford. Our home was in a leafy "student village" off campus, called Escondito, for married students from abroad. Our two-storey flat was one of a row of cabin-like structures: a bit like a kibbutz, only smaller, American-style, a lot more upmarket. It had a fenced-off play area for the children and, in a common room for all the village residents, an upright piano.

I found the richness of the academic environment – and the time to explore and savor it – enthralling. I'd chosen my master's program at Stanford because it offered the chance to learn across a range of different schools and disciplines. The official home for my degree courses was the School of Engineering, in a department called "Engineering-Economic Systems". Its focus was on applying mathematical modelling and analysis to decision-making in "large and complex

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organizations" such as private companies or government departments. Or the armed forces of Israel. The theorists at Stanford were leaders in the field.

But from the start, I was drawn to other disciplines as well: business, economics, political science, history, sociology, psychology. I studied game theory at the business school, and the evolution of political systems under the sociologist Seymour Martin Lipset. I also went to lectures by James G. March, on how psychological, social and other factors influenced decision-making. I particularly enjoyed learning from Professor Amos Tversky. Born in Haifa, he was half of an academic partnership with the psychologist Daniel Kahneman, who was also Israeli. They were investigating the effect of human bias and other *subjective* factors on how we perceive reality, and thus make decisions. Tversky's work especially fascinated me, because it questioned a basic assumption in the kind of predictive formulas my own department was advancing: that we make choices rationally, calculating the outcomes of competing alternatives. Tversky had found that the human brain didn't always work that way. For choices with a fairly obvious outcome – 90 percent of cases, say – the assumption did hold. But at the margins, the brain didn't, or couldn't, always gauge the implications of a decision accurately. A couple of decades later, he would also show that an individual's choice could vary significantly depending on the way the options were presented.

These behavioural and psychological approaches were at odds with what was being taught in my home faculty. Its prevailing orthodoxy was that by using specifically designed interview techniques, alongside mathematical modelling of the predicted outcomes, we could isolate the effect of human agency on how, and what, decisions were made. Yet the wider my studies had ranged, the more sceptical I became that the complexities of human decision-making could be accommodated by such models. I also saw problems in the methodology we were using. Since it was based partly on interviews with participants in the decision-making process, it seemed to me that this introduced a subjective element into our ostensibly objective conclusions.

My department wasn't enamored with my views on our modeling approach. But one of the things I most valued about my time in Stanford was that, far from discouraging my excursions into other departments, my professors combined a confidence in their own approach with a genuine open-mindedness to other ideas: the hallmark of true intellectuals, and of great universities.

I got something else from my studies at Stanford, although I didn't speak about it at the time, not even to Nava. I became aware that I had a particular

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aptitude for focusing on the minute details of a problem, yet never losing sight of the *larger picture*, the wider issues. From my experience as commander of the sayeret and during the 1973 war, and from watching other officers whom I respected, it struck me that this was an essential part of effective leadership.

By "leadership", at that stage in my life, I did not mean *political* leadership. I was thinking in terms of the army. But I'd now finished my masters degree, and it was impossible to be unaware of the political *context* in which I'd be returning to uniform. Since Camp David, our negotiators and the Egyptians had been trying to thrash out a formal deal. Sadat was being denounced as a traitor in the Arab world. Begin was seen by most in the outside world, and many Israelis, as dragging his feet on the negotiations and risking the chance for peace altogether. If we *did* manabge to sign a peace treaty, however, we would be withdrawing for the first time from land captured in 1967. That would mean finding a new approach to security in the south, as well as a new focus on the majority of our Arab neighbors who were railing against Sadat and seemed less interested than ever in making peace.

In some ways, it was hard to leave our mini-kibbutz in Palo Alto. Michal, now nearly nine, had thrived, quickly learning English and ending up with a perfectly American accent which has never left her. Yael has less vivid memories of our time there. But we'd had the nearest thing to a normal family life since our first, war-truncated, time at Stanford. During the university holidays, we'd also travelled: to Canada. Mexico. Lake Tahoe. Even Las Vegas, where, thankfully, we lacked the money to chance our luck, but where my years in the sayeret suddenly came in handy. We spent the day at Circus Circus, a joint casino-and-theme park tailored for families with kids. At a shooting gallery in the amusement area, I had no trouble landing dead-center hits on a passing procession of metal geese, to the consternation of the guy behind the counter but the delight of my two young daughters. In probably the single greatest moment of parental accomplishment I'd experienced since their birth, I bagged a huge fluffy teddy bear for each of them.

* * *

I returned to Israel not just with the hope, but a reasonable expectation, that I would get command of one of Israel's two regular armored divisions: the 252nd, which was responsible for defending the south and, at least for now, was based

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in the Sinai. Dan Shomron was now head of the southern command and had told me, before we headed back from California, that he'd recommended me for the post. It was an especially exciting prospect because the US-backed negotiations with Egypt did finally appear to be nearing an agreement. As commander of Division 252, I'd be coordinating and implementing Israel's Sinai withdrawal.

But I didn't get the job, at least not on my return. Raful Eitan had indeed succeeded Motta as chief of staff, and he had the final say. I'd evidently been right to assume I would figure no higher in his estimation than I had as sayeret commander. To be fair, however, he did agree to my becoming commander of Dan's *reserve* division in the south: the same 611th that Arik Sharon had led across the canal in 1973. When I took up that post in April 1979 – just days after the formal Israeli-Egyptian peace treaty was indeed signed – I was also promoted. I became a one-star general. And eighteen months later, when the regular division post came open again, I did get the nod to command the 252nd.

Even then, it was a close-run thing. Raful called me in to see him and said he wanted me to return to the *kirya* instead, in the one-star general's post inside military intelligence. He said he had more than enough candidates for division commander, but that my previous experience meant I was the best choice for the intelligence post. I was determined to remain in the field, especially with signs that Begin, and certainly his more right-wing supports in the Likud, were already having second thoughts about the peace deal we'd struck with Egypt. In part, they feared that a withdrawal from *any* of the land taken in the 1967 war might create a precedent, and invite pressure, for more withdrawals. But the real buyers' remorse centered on the fact that, as part of the initial agreement at Camp David, Begin had needed to accept a parallel framework for negotiations toward a broader peace that would include the West Bank and Gaza Palestinians.

In any case, with Raful balking a second time at giving me the division command, I figured I had little to lose by fightinhg my corner, and telling him exactly what I felt. "Look, I realize that you're chief of staff," I said. "But don't forget we're *both* just temporarily in whatever role we hold. I'm not here as a draftee. I'm in the army by choice. It's your decision to tell me what position you want me to take. But you can't *impose* anything. I can always leave. Or I can bide my time until *you* leave." Raful apparently concluded he couldn't actually force me to take the intelligence job. With Dan having made his preference clear, he didn't press the point.

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My main responsibility as commander of the 252nd was to implement the withdrawal from the Sinai. Israel had committed itself to bring all of our forces behind the 1967 border within next two years, and, along with Dan, I threw my energy into planning and implementing the terms of the treaty. But especially with Begin soon facing a reelection campaign against Labor, now led by Shimon Peres, he was keen to play to the opponents of any further negotiating concessions. He was positioning himself as the voice of military strength, and painting Peres as someone who would risk our security by going further than the separate peace with Sadat.

Begin had no more experience or knowledge of military details than Shimon. But from his days in the pre-state Irgun, he'd been an unapologetic admirer of men of military action. After his victory in the 1977 election, he'd formed a government stocked with some of Israel's best-known former generals. Not just Ezer Weizman. He'd brought back Moshe Dayan, as foreign minister. And as agriculture minister, the country's most swashbuckingly self-confident, and controversial, battlefield commander: Arik Sharon. Begin had recently lost both Ezer and Dayan, who accused him of deliberatedly torpedoing chances of building on the peace with Egypt. But Arik was still there, four-square behind a more forceful military posture on Israel's other fronts. As agriculture minister, he had also been the driving force in a plan for settlement "blocs" designed to encircle the main Arab towns and cities on the West Bank and foreclose any realistic prospect of a Palestinian state.

After Begin's second election victory, in June 1981, some commentators, and many in Labor, insisted that he'd won because of a dramatic surprise air strike, a few weeks before election day, against a French-built nuclear reactor outside Baghdad. I never believed that, in part because I knew from intelligence friends that the attack had been set for earlier, and was put back because of fears the plan might become public. But mostly because of what I witnessed in the heart of Tel Aviv the night before the election, when I joined one of my top officers, a Likudnik, at Begin's final campaign rally.

Shimon still had a narrow lead in the polls. I hadn't been at his closing rally, the previous evening. But like the rest of Israel, I'd heard and read about it, in particular the warm-up act: a popular, solidly pro-Labor comedian and actor named Dudu Topaz. Greeting the crowd, he'd said what a pleasure it was that it was not full of *chachachim*. The word was sneering Israeli slang: for uncouth, uncultured Sephardim, not far from the equivalent of using the "n" word in America. In a single sentence, he'd managed to sum up everything the

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Sephardim resented about the Ashkenazi, Labor Zionist establishment. Begin, at his rally, played it like a virtuoso. "Did you *hear* what they called you?" he cried. *Chachachim*. He slightly mispronounced the word, as if he'd never heard, much less used, it before, and that even having to repeat it made his blood curdle. "Is *that* what you are?" There was pandemonium. Maybe Begin would have won anyway. But it was close, just one Knesset seat between the two major parties. And win, he did.

I became increasingly convinced in the weeks that followed that Begin's second government, with Arik now moved to defense minister, would further put the brakes on any follow-up negotiations for a deal with the Palestinians. I did not yet know that Arik, in particular, had a far more ambitious, military plan to try to bury the possibility of a Palestinian state once and for all. But I did know he had his eyes on a possible thrust across our northern border into Lebanon, where Arafat and the PLO were based.

There was no public mention of any of this. But several times in 1981, I was ordered to move a large part of my division onto the Golan Heights for weeks at a time: two brigades, 200 tanks and dozens of APCs in a massive motorcade from the bottom to the top of the country and back again. We dubbed it *Cinerama*, from the Hebrew words for Sinai and the Heights, *Ramah*. If there was an escalation of hostilities, the northern command's regular division would cross into Lebanon. Our role would be to take their place in defending the Golan, and possibly follow them in.

When I returned from my final episode of Cinerama in the late summer of 1981, the Sinai withdrawal was entering its final stage. I organized a full-scale military exercise on the roughly one-third of the Egyptian desert we still held, knowing that we'd no longer have the room to do so after the final withdrawal. It was the largest exercise I'd ever commanded. The advances and tactical retreats, the flanking maneuvers and ambushes and fighter jet attacks were like a very big war in a very small place.

But a war game was not a real war. The Sinai was not like the Golan, or the cramped, hilly confines of Lebanon. And it was in Lebanon, the following year, that the war came. It was different from any in Israel's history. Arik was in charge. And I would become involved in ways which began to change the way I saw not only Arik, but the political and military direction of our country.

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My own part in the Lebanon war would change dramatically as a result of that last military exercise in the Sinai. Arik Sharon was now Minister of Defense, and he came for the final afternoon. From his experience as a frontline commander – in 1956, 1967 and 1973 – he knew the dunes and wadis and sprawling expanses of sand as well as any general in Israel. Watching our intricate mini-war draw to its close, he made no effort to hide his enthusiasm for the kind of quick, assertive battlefield maneuvers he'd long championed. But more than that, his closest aide soon began sounding me out on my views about the long-term organization, force balance and funding for the Israeli military. A few weeks later, Arik offered me a promotion: a return to the *kirya*, as a two-star general, to become head of planning for the armed forces.

I don't know why he chose me: the Sinai exercise perhaps, the fact he knew I'd studied "large and complex organizations" at Stanford, or maybe just the fact our paths had first crossed two decades earlier when I was in Sayeret Matkal. But even though it meant leaving my division command, especially tough since the final Sinai withdrawal was approaching, it was an offer I never contemplated turning down. Not just because of the second star on my uniform. Ever since the 1973 war, along with a few other senior officers including Dan Shomron, I had been making the case for a shift to more mobile and less vulnerable forces and weapons systems. I saw the new role as a chance to help encourage that critically important change.

There was just one hitch: all senior military assignments required the formal approval of the chief-of-staff, my old friend Raful Eitan. Raful did manage to delay things for several weeks. At one point, he even brought to bear a quality I'd never suspected he had: a sense of humor. "OK, I'll agree to promote Barak," he told Arik. The next day, he said he'd meant *Eitan* Barak – a very good commander, by the way, who had been one of my instructors in officers' school. Arik insisted, however. My appointment went through.

And one, unanticipated result was that I didn't just play the field command role I'd anticipated, from our Cinerama deployments, in Arik's toweringly ambitious, ill-planned and ultimately disastrous war in Lebanon. I became part of months of planning discussions in the *kirya* before our tanks finally rumbled across the northern border on the morning of June 6, 1982.

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My new posting came not just as momentum was building toward an invasion. It followed on the heels of a major new crisis in our peace with Egypt. Only weeks before I gave up my Sinai command, President Anwar Sadat was shot and killed by an extremist Muslim officer at the annual Cairo military parade to mark the anniversary of the 1973 war.

Like many Israelis, I felt an almost familial sense of bereavement. Sadat was not just the first Arab leader to make peace with Israel. He seemed to *understand* us: people who were ready, willing and able to fight, but wanted above all to live unmolested and accepted by our neighbors. Yet for Begin and the Likud, I knew the assassination would cast the whole peace process into doubt. Sadat's successor, Vice-President Hosni Mubarak, did make it clear he would abide by the peace treaty, defusing calls on the Israeli right for us to cancel our final withdrawal from the Sinai. But after Sadat's killing, Begin and those around him seemed more determined than ever to hold the line against the *wider* peace negotiations agreed with President Carter and Sadat at Camp David. At Begin's insistence, Camp David had not proposed giving the Palestinians a state, but instead "autonomy" and a locally elected "self-governing authority". Yet that was defined as a transitional period. The elected Palestinians were to be included in negotiations for a yet-unspecified "final status" arrangement for the West Bank and Gaza. That, Begin feared, left the door ajar for something *more* than autonomy. Shutting that door, I would soon discover, was a big part of Arik's ornate reasoning for invading Lebanon.

Beyond the fact that my new job was a promotion, I had a personal reason for welcoming the move back to Tel Aviv. Ten days after Sadat's assassination, I had endured a frightening few days surrounding the birth of our third daughter, Anat. The crisis was another reminder that the demands of frontline command rested not just on my shoulders, but my family's. We had moved house again early in Nava's pregnancy, to the suburb of Ra'anana, about 10 miles north of Tel Aviv and a few miles in from the coast. We bought one of a newly built row of small, semi-detached townhouses which, best of all, had a backyard. It was tiny by American standards, but was still a place for the girls to play. Once again, however, I wasn't there when my daughter was born. I was rushing north as Nava went into labor.

The birth itself went smoothly. By the time I got to the hospital, both baby and mother seemed happy and healthy. A few days later, however, when they were back in the townhouse and I'd returned to my division, Nava felt suddenly, desperately unwell. I shudder to think what might have happened were it not for

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the fact that one of our new neighbors was a friend from my first military intelligence stint in the *kirya*. In almost paralyzing pain, Nava phoned him, and he rushed her to the hospital. It turned out that the doctor who delivered Anat had left part of the placenta inside. Once the mistake was discovered – as I was again speeding north – he went back in and rectified it. When I arrived, I was relieved, to put it mildly, to find Nava smiling bravely, and on her way back to full health. Still, doctor friends of mine told me that if the problem not been diagnosed and addressed quickly, she could have suffered shock, serious infection, even death.

* * *

In my new role, I was nominally responsible to both the defense minister and the chief of staff, but Arik made it clear to both me and Raful that he was boss. And though my official brief was longer-term planning, almost from day-one the issue of Lebanon overshadowed all others. I knew, from Cinerama, that preparations for a *possible* military operation in Lebanon were underway. Yet from my first meeting with Arik and Raful, it became clear it was more than just a possibility. "Why the hell is Arafat still alive," Arik snapped at us. He said that when he'd been commander of Unit 101, he'd *never* waited for the government to ask him to plan an operation. He'd plan it himself, and go to ministers for approval. When I told him that I'd done just that when I was commander of the sayeret, only to be told Arafat was "not a target," Arik replied: well, he is *now*. The PLO leader's current residence was on the southern edge of Beirut, and in the weeks ahead Arik left no doubt that he meant to go after him there.

To anyone looking from the outside, there was no pressing reason to expect a war. It is true that the potential for conflict was always there. The PLO had nearly 20,000 fighters in Lebanon and hundreds of rockets capable of reaching our northern towns and settlements. The Syrians were there, too. As part of an Arab League agreement in 1976 to quell two years of terrible civil war between Lebanon's traditionally dominant Maronite Christians and an alliance of PLO and Lebanese Muslim forces, some 30,000 Syrian troops had been brought in as the core of a peacekeeping force. But in the summer of 1981, new US President Ronald Reagan's Mideast envoy, Undersecretary of State Philip Habib, had

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brokered a cease-fire to halt Palestinian Katyusha rocket fire into Israel. It was generally holding.

But fundamentally, Arik's war plan was not a response to the Katyushas. It was a way of using military force to achieve Prime Minister Begin's political aim: stopping the Camp David peace process in its tracks, and ensuring it did not go beyond the peace treaty with Egypt. And even that message was not principally intended for the Palestinians, I suspect, but for the Americans. Israel's Labor-led governments had always calculated that we needed at least some measure of support from foreign allies, especially the US. Under Begin, we'd already bombed Saddam Hussein's nuclear reactor without telling the Americans beforehand. Shortly after I returned to the *kirya*, he provoked further anger in Washington by announcing the *de facto* annexation of the Golan – in effect "balancing" our Sinai withdrawal with a dramatic reassertion of Israeli control over other land captured in the 1967 war. Part of Arik's plan in Lebanon was to deliver an even more forceful riposte to any suggestion that we would give up control of the West Bank and Gaza.

Yet these political aims, which I was gradually beginning to grasp in their full form through my discussions with Arik, were only part of the reason I was deeply uneasy about the plans for our Lebanon invasion. Having now spent nearly two decades in the military, I recognized that the security challenge north of the border was real. I did not believe it was inherently wrong for Begin's government to order a pre-emptive military operation with the aim of ending it. My view, as an army officer, was that the decision on how, when and whether to go to war was for our elected government. But for that principle to work, I also believed that government ministers had to know *what* they were deciding. The more we geared up for an invasion, the less certain I became that Begin's cabinet understood what we were planning to do.

Arik's original plan was codenamed *Oranim*: Hebrew for "pine trees". It involved pushing deep into Lebanon, all the way up to the strategically critical road that ran between Beirut and Damascus. We would link up in Beirut with the main Maronite Christian force, the Phalangists, whom we had been supporting and training for several years. When that plan was presented to Begin's cabinet at the end of 1981, however, most ministers opposed it. Thus was born Arik's Plan B, so-called "Little Pines". Its stated aim was a lot more modest. We would create a "security zone" – a 40-kilometer, or 25-mile, strip running north of the border with Lebanon.

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I could see that Little Pines was a kind of fiction. All you had to do was take a map and draw in the 40-kilometer line. In the areas nearer the Mediterranean, in the western and central parts of the border area, it indeed covered territory controlled by armed PLO groups. But in the eastern sector, there were *Syrian* positions a mere 10 to 12 kilometers up from the border, well inside the "security zone". Not much further north were two full Syrian divisions. That meant we'd be fighting not just the Palestinians, which was the ostensible aim of Little Pines. We would have to take on Syria. As soon as *those* hostilities began, we would have to destroy radar and SAM sites in the Syrian-controlled Beka'a Valley further north into Lebanon. After the first costly days of the 1973 war in the Sinai, we were not about to enter a major conflict without ensuring air superiority. Unless the Syrians retreated or surrendered, the inevitable result would be a wider conflict, not limited to dealing with Palestinian fighters in south Lebanon but paving the way for Arik to go ahead with his original plan and push all the way to Beirut.

This wasn't mere supposition on my part. In February 1982, we ran a simulation exercise in the *kirya* based on Plan B. The result: Little Pines became Big Pines. A clash with the Syrians proved inevitable, if only because one target even under Little Pines was the main road between Beirut and Damascus. It lay well beyond the 40-kilometer line. As the main supply route for their forces in the interior of Lebanon, it was also of critical importance for the Syrians. So any idea of a quick, limited strike to establish a security zone was fantasy. A few days later, Raful chaired a wide-ranging discussion on Lebanon. Near the end of the session, I asked him directly whether government ministers were aware that our war plan "will inevitably lead to a clash with the Syrians". Raful hesitated for a second, but then answered briskly: "Yes."

That assurance would turn out to be untrue. But my wider concern, as the weeks passed, was Arik's *political* plan, of which I was getting an ever clearer idea from him. It struck me as not just grand, but grandiose. Part of it was to obliterate Arafat as a political force, if not by killing him then by forcing him and every one of his fighters from Lebanon, a country Arik wanted to place under the unchallenged control of the most prominent of the younger generation of Christian Phalangist politicians, Bashir Gemayel. I felt all that would be challenging enough. But in Arik's eyes, this was only part of a complete reordering of our conflict with the Arabs. He expected *Gemayel's* Lebanon to openly align itself with Israel and expel all Syrian troops. As for the expelled Palestinians, they would go back to Jordan where they would resume – and, this time, win – their civil war with King Hussein. The result, with Hussein deposed,

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would be a "Palestinian state" in Jordan, which would free Israel to retain open-ended, unchallenged, control of the West Bank.

Even the Labor party, fifteen years into Israel's occupation of the West Bank, was still speaking about a "Jordanian option" for an eventual political settlement with the Palestinians who lived there – though this meant a kind of confederation with Jordan under Hussein's rule. Very few Israelis began seriously to engage with the Palestinians own separate identity or national aspirations until later in the 1980s – when I, too, would do so, amid the widespread Palestinian unrest known as the *intifada.* But even without a fully thought-out view on these issues, I was taken aback by Arik's almost godlike supposition that he could use fire and brimstone, or the modern military equivalent, to remake the Middle East as he and Begin wished to see it. If only because of the tacit assumption that the outside world, and especially the Americans, would sit by and let the whole drama play out as scripted, it struck me as an exercise in self-delusion.

There was also the matter of Arik's vision of a "new" Lebanon under Bashir Gemayel's Phalangists. Unlike the other generals in the *kirya*, I'd never actually met any of our "Lebanese Christian allies". Yet a few weeks after taking up my new post, I was invited to a lunchtime discussion with a group of Phalangist officers on a training course in Israel. I emerged both unsettled and underwhelmed. They were obviously politically astute. They bandied around military vocabulary proficiently enough. But they were a bit like teenagers playing with guns: full of macho, and too much after-shave. Hardly the kind of "army" I could see as a lynchpin in Arik's plan to redraw the geopolitical map of the Middle East.

* * *

By June 1982, Arik's invasion was a war simply waiting for a credible trigger. On the evening of June 3, Palestinian terrorists shot and critically wounded Israel's ambassador in London, Shlomo Argov. Appalling though the attack was, as a catalyst for a full-scale invasion, it seemed unlikely to be enough for the Reagan Administration. Habib's cease-fire terms did not include terror attacks like the one in London. It was meant to keep the PLO from firing across our northern border. Even to some Israelis, the attack on Ambassador Argov seemed more a rationale than a reason for war. But Begin summoned an

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emergency cabinet meeting the next day. His adviser on terrorism, Gideon Machanaimi, was someone I knew well. When the cabinet convened, he pointed out to the ministers that the London terrorists were from a fringe Palestinian group led by Abu Nidal. Far from being an ally of Arafat, he had been sentenced to death by Fatah. According to Gideon, Begin wasn't interested in the distinction. Even less so were the two leading military figures in attendance: Arik and Raful. They said all Palestinian terror was the responsibility of Arafat, and that now was the time to hit back hard. The cabinet was informed that our initial response would be limited: aerial and artillery bombardment of PLO targets throughout Lebanon. Yet Raful told the cabinet that the Palestinians would almost certainly respond with shell and rocket fire into Israel. Then, he said, we could strike more forcefully. In other words, the invasion would begin.

It did. Dubbed "Operation Peace for Galilee" to convey the aim of protecting northern Israel from shell and rocket fire, it got underway at around 11 a.m. on Sunday June 6. The publicly declared aim was *Little* Pines: the establishment of our 40-kilometer security zone. Both Israelis and the Americans were led to believe it would be a relatively short operation aimed at destroying the PLO's military capacity in the border area. We also said that we wouldn't attack Syrian forces as long as they didn't attack us.

That last public pledge had particular relevance to my role on the ground. I was deputy commander of the largest of Israel's three invasion forces, under Yanoush Ben-Gal, head of the northern command until shortly before the war. We had 30,000 troops and 600 tanks and were responsible for the "eastern sector" – from the edge of the Golan Heights, north through the Bekaa Valley along Lebanon's border with Syria. At first, we deliberately stopped short of Syrian forces. We deployed our main reserve division just 10 kilometers across the border, below the first Syrian positions at the bottom of the Bekaa. But despite the public assurances we were in Lebanon to establish our security zone, we had no orders to halt at the 40-kilometer line. From day one, our part of the invasion force began a pincer movement around the area of eastern Lebanon where large numbers of Syrian soldiers were based. My former Sinai division, the 252nd, came down from the Golan and started making its way up alongside the Syrian border. Our other units, further inland, also began pushing northward.

For the first couple of days, we did avoid a confrontation with the Syrians. Yet on June 8, day three of the war, the morphing of Little Pines into Big Pines began.

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The two other Israeli invasion forces had crossed the border parallel to us, one pushing up through the steep hills and twisting valleys of central Lebanon, and the other along the Mediterranean coast. The central force was now ordered to mount an attack that would bring them within striking distance of the Beirut-Damasus road. The first skirmish came in the hilltop town of Jezzin, still barely within the 40-kilometer zone. The Syrians had a commando force and tanks in the town. An Israeli battalion was ordered in, and it took Jezzin by the evening of June 8. But it came under assault from Syrian units with grenades, RPGs and Saggers, as well as shellfire from a nearby ridge. Shortly before midnight, another unit of Israeli tanks and infantry passed through the central Lebanese village of Ayn Zhalta, to the north of Jezzin and beyond the 40-kilometer line, and began winding its way through a valley toward the Beirut-Damascus road. They waded into a Syrian ambush, and for hours found themselves in a fierce battle with Syrian units.

I don't believe Arik specifically planned to confront the Syrians in Jezzin and Ayn Zhalta. But he could not have doubted that, given the enormous scale and range of our invasion, a clash with Syrian forces *would* happen at some point. Now that it had, all that remained was for him to tell the cabinet that Israeli forces had come under Syrian fire and insist, as defense minister, that the imperative for our forces on the ground was to strike back.

On the afternoon of June 9, the fourth day of the war, we got the order to go on the offensive against the Syrians in the Bekaa. As our artillery pounded the southernmost SAM sites, nearly 100 Israeli jets swarmed into the Bekaa Valley and attacked Syria's air defenses in eastern Lebanon. When a second wave screamed in an hour later, the Syrians sent up their Soviet-made MiGs to intercept them. Forty-one Syrian planes were shot down. Seventeen of the 19 SAM batteries were destroyed by the end of the day. The other two were taken out the next morning, and another 43 Syrian jets shot down.

There was no longer any pretence about our war aim: to fight our way through any resistance and reach the Beirut-Damascus road. But after the Bekaa air battle, and the most serious air losses for an Arab state since 1967, Yanoush and I knew that international pressure for a cease-fire would quickly escalate.

Aware we were racing against the clock, we began a co-ordinated push towards the Beirut-Damascus road. The left arm of our "pincer" was ordered to make its way toward a town called Jobb Janine. It was still some distance from the Damascus road, but an important way-station: Syrian headquarters on the western side of the Bekaa Valley. The eastern part of our pincer, the 252nd

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Division, advanced up the Bekaa, alongside the Syrian border, toward the town of Yanta, across from Jobb Jannine.

But as it was making its way there, we got word a cease-fire had been agreed. It was set for noon the next day, Friday, June 11. The main focus of our advance shifted to a crossroads a few miles east of Jobb Janine. It was a flat, open area surrounded by hills, codenamed the Tovlano Triangle on our maps. We knew we would meet some Syrian resistance. On the way up the valley, we'd seen signs of reinforcements from inside Syria. But we had overwhelming superiority in tanks, artillery and infantry in the area, as well as full control of the air. In our command post, about five miles back from our frontline forces, Yanoush set in motion the plan for a pre-cease-fire advance to take the hills overlooking the Tovlano Triangle. It was still about eight miles short of the Beirut-Damascus road. But the idea was to establish a more secure defensive position by the time the truce took effect, and to put us in position to advance further if the cease-fire collapsed or was delayed.

Shortly before sunset, Yanoush left by helicopter for a field commanders' meeting with Raful in northern Israel. That left me in charge, alongside Yanoush's de facto chief-of-staff, Amram Mitzna. A decorated veteran of 1967 and 1973 whom I knew well, Amram had the added distinction of being disliked by Raful almost as much as I was. Our main reserve division had been ordered to take control over the hills south of the Tovlano Triangle. One of its brigades, led by a former Sayeret Matkal soldier named Nachman Rifkind, was sent to take up a position immediately south of the triangle. Soon after nightfall, Rifkind radioed in that he was there, and that the area seemed clear of enemy forces. The divisional command post then ordered a second brigade to move toward the hills dominating the crossroads.

The first sign of trouble came around midnight. From our overall command post, we were listening in on all radio traffic, and heard the second brigade report that it had come under fire while moving toward the crossroads. At first, we assumed it must be from the remnants of a retreating Syrian unit. But Rifkind, who had reported the area was clear, now said that *he* could see flashes of shellfire two or three miles to his north. Only the following morning did it become clear that he had not deployed immediately south of the triangle as planned. He had mistakenly halted at a hill about two miles short of there.

By the time Yanoush returned to the command post a little after midnight, we were facing another problem. The battalion nearest to the south of the triangle had spotted a dozen large vehicles armed with missiles a few hundred

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yards ahead. The missiles seemed to be pointed north, away from them. But the battalion commander was asking us for permission to open fire.

"Do not open fire," I was saying as Yanoush arrived. "I repeat: do *not* open fire." When Yanoush asked me what was going on, I told him the lead unit had reported unknown vehicles with missiles and wanted to know whether it could attack. "Tell them *yes*," Yanoush said. I looked first at him, then at Mitzna. "We can't," I said. "It's dark. The situation is confused. We don't know whose missiles these are. It doesn't make sense they'd be Syrian, just sitting there, pointed north. At least give it a few minutes." I think Yanoush would have grabbed the microphone and told the unit to fire had not Amram been there as well. Together, we convinced him to hold off. I ordered the brigade commander to get one of the battalion's APC crews to go out on foot and get as near as possible to the missiles. It was nearly 15 minutes later when they returned. They said they'd never seen this kind of missile vehicle, but that the soldiers manning them seemed to be speaking *Hebrew*. It turned out to be a new ground-to-ground missile, not yet formally in service, which had been sent into Lebanon without our knowledge by the northern command.

While that trouble was averted, much worse lay ahead. Yanoush asked to be brought up to date on our progress in taking control of the area around the Tovlano Triangle. We briefed him on the situation as we understood it: that Rifkind had reported the triangle was clear, but that the second brigade had still not reached it. Yanoush tried to radio the divisional commanders. When he couldn't raise them, he ordered the brigade and battalion commanders to pick up their pace and move forward.

With Yanoush back and the advance resumed, I tried to grab at least a few hours' sleep. But around 3:45 am, a junior officer shook me awake. When I rejoined Yanoush and Amram, they told me the lead battalion was now in deep trouble. It was led by Ira Ephron, one of Dan Shomron's best company commanders during the 1973 war. For reasons I've never been able to establish, Ira's orders were not to take the hills south of the triangle as we'd planned, but to go through it to a point two miles or so north. Minutes after crossing the triangle, his tanks came under heavy fire. Hoping to escape, he kept going, only to find himself surrounded by a Syrian armored force. They were trapped near a village called Sultan Yacoub, nearly three miles north of Tovlano. Since it was early June, it would be light soon, and his predicament could only get worse.

At dawn, he reported he was under heavy artillery, anti-tank missile, RPG and close-range rifle fire. The only realistic hope was to retreat. We were unable

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to get air support, but the commander of our artillery force called in all available units, and they drew a kind of protective box of shellfire around Ira's men as they moved back. We sent our other reserve division towards the crossroads to provide support, and Amram went with them to co-ordinate the operation. But Ira still had to fight his way out. It was 15 minutes of hell. By the time he reached safety at around nine in the morning, he'd lost ten tanks and nearly 20 men, four of them during the final, frantic retreat. Five more were missing. The reserve division also found itself in a fierce firefight with the Syrians, and lost eleven men.

We were now just three hours from the cease-fire. We did advance nearer to the Beirut-Damascus road. An hour before noon, our dedicated anti-tank unit destroyed 20 of Assad's top-tier tanks, Soviet-made T-72s. Under different circumstances, those successes might have been a cause for consolation. Yet it was hard to dwell on them given what had happened north of Tovlano. After the war, Sultan Yacoub created fertile ground for conspiracy theories, half-truths and finger-pointing. That there had been many oversights and errors was clear, though there was never a full and formal debriefing process to identify in detail what had gone wrong. I found it deeply frustrating that, unlike in 1973 when I'd been in a battlefield command role, I was now at several steps removed from what was happening on the ground. But *everyone* involved shared responsibility for the failures – including the overall commanders: Yanoush, and me as well.

That weight felt even heavier because the tragedy occurred only hours before our own force's involvement in the Lebanon War was over.

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It was not, however, the end of the war. The cease-fire held only intermittently in the rest of Lebanon, barely at all in some areas. Freed from fighting in our sector, Yanoush, Amram and I began spending time with units elsewhere. A couple of days after the cease-fire, I found myself alongside a pair of generals, Uri Simchoni and Yossi Ben-Hannan, south of Beirut. In front of us, troops from the Golani Brigade were completing their takeover of Beirut airport. "You were right," I told Uri and Yossi. They had been in charge of the simulation exercise in the *kirya*, predicting how Arik's ostensibly more limited invasion plan would inevitably develop into Big Pines. Even as we were talking,

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another Israeli unit broke through to the Beirut-Damascus road. On the far side of Lebanon's capital city, they linked up with Bashir Gemayel's Phalangists.

I remember a mix of feelings at the time. Partly, amazement that through sheer determination and political maneuvering, Arik seemed to have pulled off his grand plan – or at least the Lebanon part of it. Yes, we'd ended up fighting a kind of half-war against the Syrians which, though we'd won it, still left 30,000 of Assad's men in Lebanon. And they showed no signs of leaving. Our main strategic threat north of the border was not, in fact, the Palestinians. Syria was in military control of Lebanon and, after the peace with Egypt, our most powerful adversary. And no matter what Big Pines might have achieved, it seemed to clear to me that the Syrians would be free simply to replace the weaponry we'd destroyed and fight another day.

In Arik's mind, Bashir Gemayel would soon be in a position to fix that. But beyond my skepticism from having met some of his boy officers in Tel Aviv, I couldn't see how that would work. I strained to imagine Gemayel daring to form what would amount to a formal alliance with Israel and ordering the Syrian troops to leave. And given what would be at stake for Damascus, I certainly couldn't see the Phalangists being able to drive them out by force.

The more immediate, open question involved Arafat and the Palestinians. Our other two invasion forces had driven almost all the PLO fighters out of south Lebanon, though not without costs and casualties. Most of the Palestinians, however, had retreated north to their *de facto* capital, the southwestern neighborhoods of Beirut. The idea of a ground assault – street-to-street battles in an area packed with fighters, weapons and tens of thousands of civilians – didn't bear thinking about. After the war, some of the officers around Beirut said Arik seemed to hoping that the Phalangist milita would go into the overwhelmingly Muslim western side of Beirut. At one point, he was even considering an Israeli attack. Fortunately, given the Phalangists' record of violence bordering on savagery during the Lebanese civil war, Bashir Gemayel wasn't willing to send them in. As for an Israeli assault, Begin's ministers weren't ready to sign off on it, and the Americans let it be know, repeatedly, that they were vehemently opposed to the idea.

Arik again turned to a fallback plan. He knew that Begin *did* share his determination to get Arafat and the PLO out of Lebanon. Even the Americans were ready to support such an arrangement, assuming it could be negotiated and implemented in a way that would bring the fighting to an end. Whether by intent or political fortune, the mere prospect of Arik further expanding the

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invasion had the effect of persuading Washington to send Philip Habib back into the diplomatic fray. With no early sign, however, of Arafat agreeing to leave, Arik now steadily tightened what amounted to a siege on west Beirut. For seven weeks in July and August, our forces pounded the PLO-controlled neighborhoods from land, air and sea; intermittently cut water and electricity supplies; and hoped that the accumulated pressure, and casualties, would force Arafat and his men to agree to Habib's terms for a wholesale evacuation.

By this point, I was spending most of my time in the *kirya*, with periodic visits north, sometimes with Arik or Raful, to our positions on the eastern, Phalangist-controlled, side of Beirut. On several occasions, I helicoptered back with Habib or his deputy, Morris Draper. In one instance, I accompanied Draper into a meeting with Arik. In what I imagine had become a familiar, and frustrating, part of the US mediation mission, he pressed Arik to rein in our bombardments, arguing that we were in danger of ruining the chances of getting a negotiated deal on Arafat's leaving. Arik argued straight back. His view was that unless the PLO felt squeezed into submission, they would stay put.

On that, I thought Arik was probably right. Other Israeli generals with far more experience, and weight, also seemed to agree. Notably, Yitzhak Rabin. He was no longer in government, nor even in charge of Labor. But he had always had a soft spot for Arik, as did Sharon for him. With uneasiness, questions and outright criticism of the siege building both internationally and inside Israel, Arik got Rabin to helicopter north with him to Beirut. Yitzhak spent six or seven hours there. His verdict on the siege, at least as reported in the Israeli press, was more than Arik could have hoped for. *Lehadek*, he said. "Tighten it." In the end, I'm convinced the siege did have a critical effect on getting the evacuation deal. But unleashing our single most relentless series of air attacks, on August 12, when the deal was basically done, seemed both perverse and excessive, and not just to me. Habib, and President Reagan himself, fumed. So did a lot of Begin's own ministers, with the result, unprecedented in Israeli military annals, that they formally removed Arik's authority to decide on future air force missions. That turned out not to matter, however, because August 12 effectively marked the end of the siege.

On the afternoon of Saturday, August 21, the first shipload of an eventual total of nearly 10,000 Palestinian fighters left Beirut harbor for Cyprus, and then for a variety of new host countries. On this score at least, Arik's grand design had proven beyond him: the Palestinians were not bound for Jordan. By far most of them headed for the PLO's new political base, the north African state of

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Tunisia. Arafat himself left on August 30.

Still, as the evacuation proceeded, another one of Arik's central aims in Big Pines was also achieved. On August 23, the Lebanese parliament elected Bashir Gemayel as the country's new president.

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During the several weeks that followed, there was a confident feeling among Arik and his inner circle in the *kirya*. To the extent that Arik and Raful saw any cloud on the horizon, it was their concern about "several thousand" Palestinian fighters who they were certain had stayed on in Beirut despite the evacuation. True, Bashir Gemayel hadn't been formally inaugurated as president. There had been reports that he was privately assuring Lebanese Muslim leaders that he would be conciliatory once he took office, and that he was not about to consider a formal peace with Israel. He had also been resisting Israeli efforts to make an early, public show of friendship, such as an official visit to meet Prime Minister Begin. But there was an undisguised hope that this was just a brief political hiatus, for appearance's sake, and that before too long Lebanon would become the second Arab country to make peace with Israel. Not just peace, but something more nearly like an alliance.

Though I still looked through the eyes of an army officer, not a politician and certainly not an experienced diplomat, I had serious doubts this would happen. Simple logic seemed to suggest that, since Gemayel knew we had no realistic option of turning our back on him, his political interests were best served by keeping his distance and trying to build bridges at home. But on the early evening of September 14, nine days before his scheduled inauguration, not just that question but the whole new political edifice Arik had envisaged in launching the invasion, became suddenly, irretrievably, irrelevant.

I was at my desk on the third floor of the *kirya,* getting ready to go home, when the news broke: a huge bomb had exploded at the Phalangist Party headquarters in east Beirut as Gemayel was beginning to address hundreds of supporters. For a while, the reports from Beirut suggested that Gemayel had survived the blast, but shortly before eleven at night the confirmation came: the president-elect was dead.

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Though no one claimed responsibility, there was no shortage of suspects. During and since the civil war, Gemayel had at various times been at odds with a whole array of enemies or rivals: Muslim militias, the PLO, other Maronite factions and, of course, the Syrians. But I think for all of us, even Arik, the issue of who was behind the bombing was hardly the most urgent concern. The immediate danger was a revival of the kind of rampant bloodletting Lebanon had endured in the civil war. The day after the assassination, I joined a half-dozen other members of the general staff and helicoptered up to the Lebanese capital. Arik, ignoring weeks of US pressure not to do so, had already ordered Israeli troops into west Beirut – not to fight, but to take control of key junctions and vantage points and keep basic order.

But the question obviously on everyone's mind was how to make sure the situation remained under control. It was early afternoon when we reached an Israeli command post in the largely Palestinian southwest part of the city. It was set up by Amos Yaron, the former paratroop commander whose division had landed by sea at the start of the invasion and was part of the push north to the capital. At his side was Amir Drori, the head of the northern command. They had set up a rooftop observation post just a few hundred yards in from where I had landed with my Sayeret Matkal team a decade earlier for the Rue Verdun operation. It overlooked a pair of Palestinian refugee camps: Sabra and, a couple of hundred yards closer to us, Shatila.

Raful was with us as well. So was Moshe Levy, the deputy chief-of-staff, and Uri Saguy, the head of the operations branch in the *kirya*. I listened rather than spoke. All I could gather from the other generals' conversation was that they were trying to figure out how to handle the Palestinian camps. No one explicitly mentioned the idea of Israeli troops going in, presumably because they realized that, far from helping ensure order, that might well inflame things further. Even Raful, at least in my earshot, made no reference to the "several thousand" PLO fighters that he and Arik still wanted out of Beirut. The only note that struck me as odd was a general agreement that the Phalangists had not been carrying their load of the fighting during the war. One comment in particular stuck with me, though I didn't take it as referring to the Palestinian camps in particular. I can't remember which general said it, only that everyone seemed to agree: "Why the hell do *we* have to do their fighting for them?"

It was not until the next morning, back in Tel Aviv, that the alarm bells rang for me, and by then it turned out to be too late. It was Friday, the eve of the Jewish New Year. Yet in the wake of Gemayel's assassination, the *kirya* was

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crowded. I heard the first rumors from a staff officer in military intelligence, though neither he nor anyone else I asked was sure if they were true. But it *seemed* that the Phalangists had been sent into Sabra and Shatila. And that they had begun killing people.

I'd like to think that, in Amos Yaron's or Amir Dori's place, I'd have been sufficiently wise not to have allowed the Phalangists into the camps in the first place. But the truth is that I'm not sure. If the decision was to send *someone* in, I certainly wouldn't have sent in Israeli troops. But unlike other Israeli generals, my first-hand knowledge of the Phalangists was limited to a single lunchtime encounter in Tel Aviv. My impression from that meeting was that they were overblown, post-adolescent thugs, not murders. I did, of course, know the milita's reputation for untrammelled violence in the Lebanese civil war. Still, I might conceivably agreed to have the Phalangists go in – under strict orders to limit themselves to keeping order – in the knowledge that our own troops were stationed in the area immediately around the camps.

Yet from the moment of the first rumors – as soon as I heard even the *hint* that killings were underway – I had not a second's doubt about what had to be done next: get the Phalangists out. Immediately. I felt a particular urgency because of the rooftop gripe I'd heard the day before, about our troops having to *do their fighting for them*. That made me pretty certain that, at the very least, we had indeed sent the Phalangists into the camps.

I tried to reach Arik, but couldn't get through to him. I contacted Oded Shamir, the former intelligence officer who was his main liaison with the army. I told him that if the Phalangists were inside the camps, he had to urge Arik to get them out. Then I called Tsila Drori, Amir's wife. I asked whether she'd spoken to him that morning. She said no. He'd called her the day before, however, and she was sure he'd be in touch before the New Year. "Please, swear to me, Tsila, you'll give him a message," I said. "I was there yesterday. Tell him *please* do whatever he can to stop this action. It will end very, very badly." I told her he would know what I meant.

It was too late to stop it altogether. The slaughter – the round-ups and the beatings and the killings of Palestinians in the two camps – had indeed begun the night before. Amir found out about it late on Friday morning. Not from me, I believe, but from his staff officers. He ordered the Phalangists to stop. But they didn't. No one in command acted, at least successfully, to make *sure* that the militiamen got out of the camps. The atrocities went on. It was another 24 hours before the militamen finally withdrew.

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One night's massacre would have been enough to produce the outcry that resulted once the first news reports, photos and TV pictures were sent around the world. That the bloodletting was allowed to continue after we *knew* what was going on, beyond the cost in innocent lives, made the fallout even worse. In Israel, the response was unlike anything in the past. There had been some opposition to the war: from parts of Labor, from political groups further to the left and particularly the pressure group Peace Now, formed in 1978 to protest the Begin government's obvious desire to use the peace with Egypt as a means to limit, rather than actively explore, prospects for a wider agreement with the Palestinians.

After Sabra and Shatila, Peace Now was the driving force behind demands for an inquiry into the Israeli role into what had happened. But the trauma went deeper. Israelis of all political stripes jammed shoulder-to-shoulder into the Kings of Israeli Square in the heart of Tel Aviv a week after the massacre. There were soldiers, too: 20somethings back from the fighting and reservists a decade or more older. Some estimates put the size of the crowd at as many as 400,000, almost ten percent of the population of Israel at the time. The protest was nominally aimed at forcing the government to empower a commission of inquiry, which it did a couple of days later. But the mood in the square was more like an outpouring of shock and shame. While the catalyst was the massacre in the camps, it tapped into a rumble of growing questions, and doubts, about the war itself, which had been building ever since the prolonged siege of west Beirut: what the invasion was for, how it had been planned and prosecuted, and what it said about our country, our government and our armed forces.

I was at home with Nava, watching the coverage of the demonstration on television. I shared the protesters' view that an inquiry was needed. In the days since my phone call to Tsila Drori, I'd remained troubled not just by our failure to stop the killings once we knew what was going on, but by the response from Begin, Arik and some other ministers to the massacre. Determined to shift the blame and responsibility elsewhere, they kept driving home the point that it was Phalangists, not Israelis, who had carried out the killings. That was true. But it could not erase the failures of judgment and control on our part. We were the ones who had allowed them into the camps. Our forces were deployed around the perimeter. And the killers were our "Lebanese Christian allies".

The formal picking-apart of Israel's share of responsibility would be the job of the inquiry commission. I did take some heart from the very fact such large

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numbers of Israelis, and ultimately the government, had ensured a truly independent probe would now go ahead.

But other ways in which the war had gone wrong were already glaringly apparent. Some were operational. It is true we ended up overcoming Palestinian and Syrian resistance. Given the numerical balance of forces, that was a foregone conclusion. But with all the attention paid to the *political* aims of the invasion, we'd never sufficiently planned for operating against a wholly different kind of enemy than in our previous wars, and on a wholly different kind of terrain. Huge columns of Israeli armor had found themselves stuck on the winding roads of central Lebanon, running low on gasoline, vulnerable to relatively small ambush squads. In some instances, a dozen Palestinian fighters or Syrian commandos had halted the best-armed, best-trained, tank forces in the Middle East for hours on end. Overall, the pattern of past wars had been broken. Even in 1973, once the surprise attacks had been turned back, Israeli forces had advanced, attacked and broken enemy resistance. That hadn't happened here.

There was a deeper problem as well. At the start of the conflict, Begin had declared, boastfully almost, that this was Israel's first "war of choice." That wasn't true. Both 1956 and 1967 were wars of choice. Yet those preemptive attacks, especially in the Six-Day War, were in response to a sense of strategic threat that was commonly understood by almost all Israelis. There was a sense not just of consensus, but national unity. This war *was* different. It had been launched in pursuit of a specific political vision: a marriage of Begin's political credo and Arik's determination to use overwhelming force to bulldoze a new political reality in Lebanon.

The findings of the inquiry commission were published in February 1983. They were all the more powerful for the forensic language used. The inquiry did concede Begin's point: it was Gemayel's men who had actually done the killing. But it said that the Israeli commanders' decision to allow the Phalangists into the refugee camps "was taken without consideration of the danger – which the makers and executors of the decision were obligated to foresee as probable – that the Phalangists would commit massacres." The commission added that "when the reports began to arrive about the actions of the Phalangists in the camps, no proper heed was taken. The correct conclusions were not drawn. No energetic and immediate action was taken to restrain the Phalangists and put a stop to their actions."

Arik bore personal responsibility for this, the report said. So did Raful, and the head of military intelligence, Yehoshua Saguy. The commission

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recommended that Begin fire Sharon and Saguy. They left Raful in place, but only because his term as chief-of-staff was due to end in a matter of weeks. Arik at first refused to go, and Begin refused to fire him. Yet in the end, popular pressure forced the issue. When another demonstration was called in protest at Sharon's continuing as Defense Minister, a right-wing political activist tossed a grenade into the crowd, killing a young Peace Now member. Even Arik was evidently shaken by the spectre of one of his presumed political admirers murdering a fellow Israeli for peacefully protesting. Or at least shaken enough to step down as Defense Minister. He did remain in the government as a minister without portfolio. Still, Begin himself would quit as Prime Minister, retiring into virtual seclusion, about half-a-year later.

Like the rest of the senior officers corps, I tried with difficulty to get on with my own job. I imagined the contribution I could best make for now would be, as Head of Planning, to ensure the mix of forces and weaponry deployed in any future conflict were better suited to the task than in the Lebanon war. But I didn't believe that such technical failings or planning lapses, however serious a contribution to the more than 650 Israeli lives lost, were what had mainly caused the war to go wrong. The central mistake was what had bothered me all along: the invasion was not a considered response to a particular security threat. It was an overreaching exercise in geopolitics, with sleight-of-hand used to evade the need to make and win support from government ministers and, critically, the public. Even with questions still to be resolved about when and how to withdraw the thousands of Israeli troops that were still inside Lebanon, I remember wondering aloud to a few army friends, and to Nava as well, whether we would look back in a decade's time and see the war as "our Vietnam". In fact, Israeli troops would still be in south Lebanon nearly *two* decades later, when I had left the military and was about to become Israeli Prime Minister.

Even as a two-star general in the *kirya*, I doubted I would be in a position to help fix the deeper issues raised by the war. Any real influence would be in positions like the chief-of-staff and his deputy; the head of operations; the head of military intelligence. They were the core of the armed forces' leadership and had the most regular dealings with senior figures in government.

But I'd failed to factor in the effect of the inquiry recommendations. Within days of the report, Israel had a new Defense Minister: Moshe Arens, who returned from his post as ambassador in Washington. Among *his* first orders of business was to act on the inquiry's verdict on Raful and Yehoshua Saguy. As chief of staff, Arens settled on a choice I suspect most senior officers saw as the

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right man for the moment: Raful's deputy, Moshe Levy. Well over six feet tall, he was known as *Moshe Vechetzi*. "Moshe-and-a-Half." He was reserved and soft-spoken, a safe pair of hands after the trauma of the war.

But Arens also had to name a successor to Saguy as head of military intelligence. And for that job, he nominated me.

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It was a huge responsibility, and not just because I was suddenly in charge of an intelligence apparatus ranging from Unit 8200, our sophisticated signals collection and decryption unit, to the operational units like Sayeret Matkal. It was what was at stake if things went wrong: success or failure in war, and the life or death of thousands of men on the battlefield. It was a price we'd paid painfully in 1973. And now again, just nine years later, in Lebanon.

If I needed any reminder, it was conveniently placed on my new office wall: the photographs of each of my nine predecessors since 1948 as Head of the Intelligence Directorate, or *Rosh Aman* in Hebrew. All had come to the role with talent and dedication. All but three had either left under a shadow, or been fired. Sometimes this was because of ultimately non-fatal lapses, like a botched mobilization of our reserves in 1959, or the Rotem crisis a few months later. Sometimes, it was due to lethal failures like the Yom Kippur War and Lebanon.

I went to see all eight former directors who were still alive. "You know, I used to read the newspapers and listen to the BBC in the car to work," Shlomo Gazit told me. He was the director I'd worked for in operational intelligence, the one who'd so memorably made the point that we might endanger Israeli security not only be missing the signs of a war, but signs of an opportunity for peace. He was also one of the few to have left office without blemish. "By the time I got to the *kirya*, I already knew 80 percent of what I could about what was going on," he said. "Then I'd spend six or seven hours reading intelligence material, to fill in at least *part* of the remaining 20 percent." His message, echoed by my other predecessors, was that the job wasn't mainly about the raw information. It was what you *concluded* from the information, what you *did* with it. It was about judgement.

The intelligence did matter, of course. For all of Israel's strengths in that area, I knew from my own experience at Sultan Yacoub that there was still room to get more, better, and more timely information about our enemies, and make sure it got to the commanders and field units that needed it. And while the details of many operations I approved for Sayeret Matkal and other units remain classified, we did succeed in doing that – to take just one example, by finding an entirely new way to get intelligence from inside Syrian command posts.

Yet above all, I set out to apply the lessons of the 1973 and 1982 wars. In rereading the official inquiry reports, I saw that the intelligence failings had

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been different in each of them. In the Yom Kippur War, the problem was not just Eli Zeira's failure to activate the sayeret's listening devices in Eygpt, deeply damaging though that was. It was *judgement*. Inside Aman, a kind of groupthink had taken hold. It was rooted in a confident, costly misconception which went unchallenged: that Egypt would never risk another war without an air force capable of breaching our defences and striking towns and cities deep inside Israel. No one pressed the alternative scenario: that Sadat might strike with more limited territorial objectives and, under cover of his SAM batteries on the other side of the Suez Canal, advance into the Sinai.

In the Lebanon war, the inquiry suggested, Yehoshua Saguy *did* try to warn the generals, and the government, about major risks. But individual ministers testified that they hadn't heard, hadn't been there, or hadn't understood, leading the inquiry to stress the responsibility of a *Rosh Aman* to ensure not just that his message was conveyed, but that it was received as well.

I set out to address both problems. Inside the department, I insisted on making all our preconceptions open to challenge. I set up a unit whose sole function was to play devil's advocate when a consensus was reached. It began with the *opposite* conclusion and, through a competing analysis of the data, and logical argument, tried to prove it. I also wanted to be challenged on *my* preconceptions. I assigned a bright young major as my personal intelligence-and-analysis aide. He read everything that crossed my desk and could access any material in the department. "You have no responsibility to agree with any of the analysts, or with me," I said. "Part of your job is to *dis*agree."

In the Lebanon war, Saguy had faced an additional problem. He was excluded from some government meetings at which crucial decisions were made. That was out of his control. I didn't want it to be out mine. I raised the issue with Begin in our first meeting. "If you want to get the maximum value from your head of intelligence," I said, "you should make sure he's there not just after, but *when* decisions are made." Yet he was now only months from leaving office, exhausted by the war and its aftermath. He waved his hand weakly in response, as if to say none of it mattered. His successor, in October 1983, was Foreign Minister Yitzhak Shamir. Ideologically, he was cut from the same cloth: an advocate from the 1940s of securing a Jewish state in all of Palestine, by whatever force necessary. He'd broken with Begin's pre-state Irgun militia to set up a group called Lehi, which went further and carried out political assassinations: the 1944 killing of Lord Moyne, Britain's Minister for

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Middle East Affairs, and four years later the United Nations envoy, Count Folke Bernadotte.

"Why are you so *strident*," Shamir asked me, only half-jokingly, after I'd insisted on joining a government discussion and pressing several intelligence matters. "It's because I've read the Lebanon inquiry," I replied. "I saw what happened when a message isn't delivered assertively. I'm not going to be in the position of making the same mistakes." He nodded, and didn't raise it again.

In fact, it was under Shamir that I began to get more involved with political and policy issues beyond the armed forces. Part of this came with the job of *Rosh Aman*. There was hardly a major domestic or foreign challenge that did not have some security component, and no security matter on which intelligence was not critical. But I also found myself working more closely with leading politicians: mainly Shamir and Misha Arens, who as defense minister was my main point of contact. Since I was a Labor kibbutznik, we made an odd threesome. Arens was also a lifelong Jabotinsky Zionist. He had been in the Betar youth movement in America, before going to Palestine in 1948 and joining the Irgun. In fact, it was with Misha's personal backing that one of my former Sayeret Matkal officers – the son of a Jabotinsky acolyte – had recently taken his first steps into the political limelight. After a two-year stint as Israel's number-two diplomat in Washington, Bibi Netanyahu had become our ambassador to the United Nations.

With both Arens and Shamir, I built a solid relationship, based on mutual respect, and it would deepen further when I moved on to a wider role in the *kirya* a few years later. They were straight talkers. While resolute about decisions once they'd taken them, they were genuinely open to discussion and debate. I also sometimes found a surprising degree of nuance behind their tough exterior.

The toughness was there, however. One of the first major security crises we faced after Shamir became Prime Minister was known as the *Kav 300* affair, named for the bus route between the southern port city of Ashdod and Tel Aviv. On the evening of April 12, 1984, four Palestinians from Gaza boarded the bus and hijacked it back toward the border with Egypt. They told the passengers they were armed with knives, and that a suitcase which one of them was carrying contained unexploded anti-tank shells. After a high-speed chase, an Israeli army unit managed to shoot out the tires and disable the vehicle, when it was still about ten miles short of Gaza. One of the passengers had been severely injured at

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the start. A number of others managed to escape when the bus was stopped. But several dozen remained inside.

I was in Europe at the time, on one of my periodic trips to discuss Middle East issues with a fellow intelligence chief. Yet an aide called me with the news. I was several thousand miles away from what happening. But I knew there was every possibility Sayeret Matkal might be called in, and my instincts told me we should proceed with caution. The situation we were facing felt nothing like Sabena, much less Entebbe. Here, we had a single bus. Our troops, and in fact everyone from ministers and officials to reporters and photographers, were in a loose cordon a couple of dozen yards away. That said to me there was no sense that the hijackers posed an immediate danger. Nor did they seem to have come equipped for a major confrontation. In place of the AK-47s and grenades we'd seen in previous terror attacks, these guys had knives, and, if they were to be believed, a couple of shells with no obvious way to detonate them.

I phoned a friend in the command post set up near the stranded bus. He told me that Misha and Moshe Vechetzi were there. There was a standoff with the terrorists and, for now, it was quiet. The defense minister and the chief-of-staff, of course, did not need my presence, much less my agreement, to order the sayeret into action. But I said: why not wait? Though the last flights back to Israel had already left, I could be at the command post by mid-morning. Beyond wanting to be present if the sayeret was ordered in, I believed the crisis might even be brought to an end without another shot being fired. "I'll tell them what you said," my friend replied. "But I doubt it'll be allowed to drag on much past daybreak."

He was right. With my Chinese Farm comrade Yitzhik Mordechai in overall command, Sayeret Matkal stormed the bus at about seven in the morning. They shot and killed two of the hijackers immediately, through the vehicle's windows. Sadly one of the passengers, a young woman soldier, died in the assault, but the rest of the hostages were freed, none with serious injuries.

A controversy soon erupted over what came next. The sayeret commandos had captured the other two terrorists alive and uninjured. Yet barely a week later, first in an American newspaper and then the Israeli media, reports emerged that the two surviving Palestinians had been killed after the hijacking was over. A year later, Yitzhik Mordechai was – wrongly – put on trial for his alleged part in what had amounted to a summary execution. And, rightly, exonerated. Though the full details never became public, the people responsible turned out to be from the Shin Bet, our equivalent of the FBI.

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Weeks later, Misha Arens mentioned *Kav 300* in one of our regular meetings. It was not so much a statement of what should or shouldn't have happened, but a show of genuine puzzlement. "How can it be," he asked, "when there is a real fight, an operation in which our soldiers are shooting, that terrorists come out *alive*?" The answer, to me, was simple: Sayeret Matkal. From our earliest days, there was an understanding that you used whatever force necessary in order to make an operation successful. Yet once the aim had been achieved – in this case, eliminating the danger to the passengers – it was over. I am convinced, by the way, that Misha didn't actually order the sayeret, or anyone else, to kill all the terrorists. I'm equally convinced there was a tacit assumption on the ground that Misha's view, and Shamir's as well, was that this would be no bad thing.

* * *

Yet by the summer of 1984, Shamir and Arens appeared in danger of losing their jobs. Israel's next election, the first since the Lebanon war, was due in July. Just as the trauma of the 1973 war had helped Begin end Likud's three decades in opposition, the polls and the pundits were now suggesting that Shimon Peres might bring Labor back to power. There was no prospect he'd win an outright majority in the 120-seat Knesset. No one had ever done that, not even Ben-Gurion in his political heyday. From 1948, Israel's political landscape had been populated by at least a dozen-or-so parties, mostly a reflection of the various Zionist and religious groups before the state was established. The dominant party always needed to make deals with some of the smaller ones to get the required 60-vote parliamentary majority and form a government.

The Likud looked vulnerable. Domestic concerns, alone, were eroding its support. Under Begin's turbo-charged version of Milton Freedman economics, an economic boom had given way to runaway inflation and a stock market crash. Lebanon, however, was the main issue, and it remained a running political sore. The assassinated Bashir Gemayel's brother, Amin Gemayel, had become president. But Israel still had large numbers of troops there. And while most of the PLO fighters had gone, we faced a new and potentially even more intractable enemy in the south of the country. When our invasion began, the area's historically disadvantaged Shi'ite Muslim majority had been the one group besides the Christians with the prospect of benefiting. The PLO rocket and artillery bases had disrupted their lives and, worse, placed them in the line

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of our retaliatory fire. Some of the Shi'ite villages in the south even greeted our invading units with their traditional welcome, showering them with rice. But for a new Shi'ite militia calling itself Hizbollah – formed after the invasion and inspired by the Ayatollah Khomeini's revolution in Iran – our continuing military presence was anathema. In November 1983, Hizbollah signalled its intentions when a truck bomber drove into a building being used as our military headquarters in the south Lebanese city of Tyre, killing more than 60 people.

Yet the election ended up as a near-tie. Peres did lead Labor back into top spot for the first time since Begin's victory in 1977. But he got only 44 seats, to the Likud's 41. After weeks of horse-trading with smaller parties, he could not form a government. Neither could Shamir. The result, for the first time in peacetime, was a national-unity coalition, including both main parties. Peres would be Prime Minister for the first two years, and Shamir the final two. But the stipulation of most relevance to me was that one man would be the Defence Minister throughout the four years: Yitzhak Rabin.

My relationship with Rabin went back much further than with Misha. I'd first met him when I was a sayeret soldier. I'd interacted with him more as sayeret commander, and of course during Entebbe. Now, we began to work even more closely, and the main challenge in his early months as Defense Minister was what to do about our troops in Lebanon. We had gradually been pulling back. We were more or less on the 40-kilometer line which Sharon had claimed was the point of the invasion. But even this was costing us lives, with no obvious benefit from controlling a large slab of territory on which nearly half-a-million Lebanese lived. A decision was now reached to shrink our "security zone" further, pulling back to the Litani River. It meandered about 25 kilometers north of the border, and in some areas was even closer to Israel.

I argued strongly in favor of getting out altogether. I accepted that the "Litani line" might help impede cross-border raids. But especially since the remaining Palestinian fighters and Hizbollah were acquiring newer Katyushas, with a range of up to 20 kilometers, they could fire rockets over the security zone. My deeper concern was that we intended to hold the area with between 1,000 and 1,500 Israeli troops in open alliance with a local Maronite Christian militia, called the South Lebanon Army. This would rule out any hope of working out security arrangements with the *non*-Christian majority in the south. I tried to persuade Rabin we should withdraw all the Israeli soldiers and coordinate security arrangements with the equivalent of a local civil-defense guard. I suggested four separate militias drawn from the local population –

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Christian, Shi'ite Muslim, Druse and ethnically mixed – with the aim of reflecting the balance in each part of the south.

Israeli troops might still have to cross into Lebanon, but only for brief, targeted operations to preempt preparations for a terror attack. "We need to remember what we're *there* for," I said. "We have no territorial claims. It's to protect the north of Israel. But it will end up being about *protecting our own troops inside the security zone*. It will be like the Bar-Lev line in 1973, fighting for fortifications we don't need." I couldn't persuade him. I'm sure he understood the argument, and he may even have agreed. But when Katyushas next fell on northern Israel, he as Minister of Defense, not I, would be the one in the political firing line.

Far from straining our relations, our frank exchanges on Lebanon seemed to build further trust between us. We worked closely on a range of issues. When Sayeret Matkal or another intelligence unit planned an operation across our borders, both of us would present the action to the cabinet. During the operations, I'd be either in the *kirya* or a forward command post. Since nearly all of them happened after nightfall, Yitzhak would usually be back home, asleep, by the time they ended. I would phone him. The trademark voice – slow, gravelly, deep even when he was wide awake – would answer. I'd tell him the mission was over and – with only one exception during my period as head of intelligence – successful. "*Todah*," he would say. "*Lehitraot*." Thanks. Bye. He was never a man to waste words.

For one of the very few times I can remember, *he* phoned me one morning in October 1985. It came a couple of days after an especially gruesome Palestinian terror attack. Even with Arafat now more than a thousand miles away in Tunis, much of Rabin's focus was taken up in responding to, or trying to preempt, Palestinian terrorism. The issue was especially sensitive politically in the wake of a war in Lebanon that was supposed to have eliminated that threat. For Rabin, moreover, it had become personal. He'd had to sanction an unprecedented exchange of 1,150 Palestinian security prisoners earlier in the year to secure the freedom of three Israeli soldiers, including one of our men from Sultan Yacoub, who had ended up in the hands of the radical Popular Front for the Liberation of Palestine – General Command. Now a group from another of the radical factions, the Palestine Liberation Front, had hijacked an Italian cruise ship called the *Achille Lauro* en route from Egypt to Israel. They murdered one of the passengers, a wheelchair-bound, 69-year-old Jewish American named Leon Klinghoffer, and dumped his body overboard.

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Rabin's closest aide, whom I knew well, was aware that Unit 8200 had intercepts that laid bare the details, and left no doubt the murderers were from a PLO group. He called and asked me to appear on a weekly television interview program called *Moked*. It was hosted by Nissim Mishal: brash, incisive, and one of Israel's best-known broadcast journalists. I pointed out to the Rabin aide that I'd never done anything like this before. But he insisted it would go well. He briefed me on the questions I could expect, not just about the *Achille Lauro* but the wider issue of Palestinian attacks, as well as Syrian President Hafez al-Assad's efforts to re-equip his air force after his losses in Lebanon. So I came to the interview prepared. I brought audio tapes of the hijackers, and a large photograph of the MiG-25s which the Syrians were seeking to acquire.

My appearance will not go down in the annals of great moments in television. But at the time, very few Israelis even knew who I was, and I felt I'd done OK. I was surprised, however, when Rabin phoned the next day. "Ehud, I didn't see it. I was attending some event," he said. But his wife, Leah, had recorded the program. "I just watched it. I should tell you, I think it was exceptional. You did a great job. It was highly important for us, for the army, and, I dare say, for you."

* * *

I was not sure what he meant by saying it might be good for me as well, although a decade later, at the end of my army career, he would play the central role into my entry into Israeli politics. It is true that there was also some politics at the upper reaches of the military as well, especially around the choice of chief of staff, and that Moshe Vechetzi's term had only a year-and-a-half to go. But I didn't view myself as a serious candidate at this stage. Moshe's own preference seemed to be either Amir Drori, the head of the northern command during the Lebanon War, or Amnon Lipkin, the veteran paratroop commander who'd been with me on the Rue Verdun raid in Beirut. My own hope was that the nod would go to any even closer friend of mine: Dan Shomron.

I had first got to know Dan well in the late sixties after Karameh, Israel's costly standoff with Arafat, when Fatah's influence was in its infancy. We exchanged impressions on what had gone wrong, and why? When I became commander of Sayeret Matkal, we remained in touch, and he took a close interest in all of our operations. We also crossed paths in the Sinai in the 1973,

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in which Dan's division was key in staunching the Egyptian advance in the first days of the war, later inflicted heavy losses on one of Sadat's armored forces and was part of the final push on the other side of the canal. And, of course, during Entebbe. Dan had sharp tactical instincts, a belief in the importance of using new technology to gain and sustain an edge, and an openness to unconventional approaches. Faced with a challenge in planning or executing an operation, he looked at it from all sides, determined to come up with the *right* approach, not always the expected one. In a lot of these ways, we were similar, which was no doubt one reason our relationship had grown closer as he and I – six years younger, and a step or two behind – rose up the ranks.

In fact, Dan was the reason I'd made one of my rare forays into *kirya* politics not long after Moshe Vechetzi took over as chief of staff, when Misha Arens was still Defense Minister. I acted to derail what seemed to me a blatant attempt by Moshe to advance Drori's and Amnon Lipkin's prospects for eventual succession as chief-of-staff, and to take Dan out of the contest altogether.

I was sitting at my desk on the third floor when the chief of internal army security, an officer named Ben-Dor, walked into my office. "Listen," he said, "the chief of staff has a right to give me a direct order in cases where he thinks there is a need for a special investigation. But you're my commander, so I wanted to let you know."

"What is it?" I asked.

He replied that he had been ordered to "check out rumors that Dan Shomron is a homosexual."

I was appalled. The whole thing stank, on every level, and not just because I was confident the "rumors" were nonsense. "Look," I said, "I have no idea whether some sub-clause in army regulations allows the chief-of-staff to give you orders over my head. But even if it does, I'm ordering you to do nothing until I talk to Moshe." He nodded in agreement. In fact, he seemed relieved. He also let me know that the source of the rumors was a number of senior officers, including a couple of generals.

I went straight downstairs and into the chief-of-staff's office. Moshe was at his desk, smoking a cigarette. One of the advantages he had in being nearly a foot taller than most of us was that I found myself looking not into his eyes, but up at them. "Moshe," I said, "Ben-Dor told me you've ordered him to investigate a rumor that Dan Shomron is a homosexual." He said nothing. So I went on. "I've told him not to do it. And I've come *here* to convince you that it's

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improper." This was more than 30 years ago, at a time when being gay, and certainly being gay in the armed forces, was a much bigger deal than now. But I still had no doubt at all that this amounted to a witch-hunt.

Moshe still said nothing. "I have no idea whether Dan is or is not a homosexual. After knowing him for years, I have no reason at all to believe that he is. But let's assume, for a moment, that he is," I said. He's not some junior lieutenant… This is a man who has *risked his life* for Israel. Repeatedly. Under fire." Then, I got to the real issue. "I hesitate to mention this," I said, realizing, and in a way hoping, that my tone would sound vaguely threatening. "But if you order this, the very fact of doing so might be interpreted as being a result of some other motives on your part. I'm doing my best to convince you to think again. But I want you to know that if I can't, I'm going from here to Misha's office. I'll try to convince him of the damage from what you're contemplating to the whole fabric of trust in the general staff and the army, to the image of the army." Still, he said nothing. He nodded occasionally. He puffed on his cigarette, put it out, lit another one. It was pretty clear he had no intention of rescinding his order.

Within 20 minutes, was in the Minister of Defense's office. I spoke to him for about 10 minutes. Misha listened. At the end, he said: "I understand what you've told me." I never discovered what exactly he said to Moshe Vechetzi. But the investigation never happened. I never spoke a word about any of it to Dan until years later, after both of us had left the army.

The result, however, was that Dan became deputy chief-of-staff under Moshe, the latest step in what was beginning to look like a steady rise to the top. But Misha did make a few concessions to Moshe's preferred candidates, and that now turned out to have major implications for me. It was a long-accepted practice that chiefs-of-staff had more than one deputy during their period in charge. In the homestretch of Moshe's tenure, he was able to bring in Amir Drori for a spell as his number-two. And early in 1986, he also brought Amnon Lipkin back to the *kirya*. Amnon was given *my* job, as Director of Intelligence. But I got the post which Amnon was leaving: head of the central command area. This meant that, for the first time, I would be in charge of one of Israel's three regional military commands, and we were based on the edge of Jerusalem, with security responsibility for the West Bank.

This was my first direct exposure to the combustible mix of restive Palestinians and the growing number of Jewish settlers. Our main brief was to prevent terror attacks, violence or unrest from the roughly 850,000 West Bank

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Palestinians toward the 50,000 Israelis who were then living in the settlements. At the time, by far most Palestinians were not involved in any violence. They were mainly interested in getting on with their lives. Yet there were signs of trouble. The PLO leaders' relocation to Tunis had reduced their direct influence. But the briefings I got from Shin Bet officers made it clear that some young West Bankers had begun trying to organize attacks against police, soldiers and Israeli civilians. The settlements were also growing in number, and their residents were not above acts of violence against Palestinians. Further complicating the situation was the fact the settlers enjoyed the support of key Likud members in the cabinet: Shamir, who was about to take his turn as Prime Minister in October 1986; Misha, now a minister without portfolio; and most of all Arik Sharon. In an astonishing demonstration of resilience and determination, not only had Arik remained as a minister without portfolio when Shamir succeeded Menachem Begin. In the coalition government, he had become Minister of Trade and Labor. Most importantly, when he'd been Agriculture Minister under Begin, he was the driving force in plans to expand Jewish settlement on the West Bank, including "blocs" placed around the major Palestinian towns and cities for the first time since 1967.

I had a responsibility to protect the settlers, and I did my best to fulfil it. Yet I believed it was essential they understood that they were subject to the authority of the state of Israel and, like other Israeli citizens, had to operate within the law. This was no mere theoretical problem. A Jewish underground had been established by members of Gush Emunim, the Orthodox Jewish movement set up in the 1970s to advance what they saw as a divinely mandated mission to settle the West Bank. It had carried out car-bombings and other attacks in the early 1980s, leaving two Palestinian mayors crippled for life. The terror campaign had ended only when the Shin Bet caught the cell placing explosives under Arab-owned buses in Jerusalem.

Hopeful of preventing misunderstandings, and ideally building a relationship of trust, I visited many of the settlements during the early weeks in my new post and spoke with their leaders, a few of whom remain friends to this day. But in the spring of 1986, we faced our first major test on the ground. In a pre-Passover event organized by Gush Emunim, some 10,000 settlers streamed into Hebron, a city sacred not only to Jews but Muslims as well as the burial place of Hebrew patriarchs and matriarchs. Peace Now activists had planned a counter-protest, but Rabin denied them permission. Still, anti-settlement members of the Knesset and other Israeli peace activists did get clearance to march from Jerusalem to Hebron.

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My job was to ensure the security not just of the Gush Emunim march but of the counter-demonstrators, and, of course, the local Palestinian population. As the rival marches by the Israelis proceeded, I personally delivered warnings against any violence, both to the settlement leaders and to a pair of the most prominent counter-protesters, the peace activist Uri Avneri and Knesset member Yossi Sarid. The event went off without major incident. But the next day, *Davar*, the venerable Labor newspaper I'd first read as a child in Mishmar Hasharon, let rip against me. Under a photo of me with Avneri and Sarid – my arm raised, ostensibly in some kind of threat but actually in the time-honored Jewish practice of talking with my hands – the article accused me of siding with the settlers. If blood was spilled in the weeks and months ahead, the newspaper said, "it will be on Barak's hands."

Ordinarily, I would have ignored it. But never in my military career had I been similarly attacked on an issue of any importance. I was especially angry because not only was the insinuation unfounded. It was diametrically opposite to the stance I was determined to take in this, my first regional command. Yes, I was committed to providing security for the settlers. But especially in the wake of the crimes of the Jewish underground, I was determined to ensure they remained within the boundaries of the law.

A few days later, I called Rabin's aide and asked to see the Defense Minister, and was told to come see him after Saturday lunch at his home. When I arrived, Rabin got right down to business. "Ehud, you wanted to see me?" he said. "You've probably seen *Davar*," I replied. "It was a pretty nasty piece. It distorted things." Yet as he began asking for details, it seemed he had no idea what I was talking about. "Ehud, I never read it," he said. "If you hadn't told me, I'd never have known there was an issue." I assumed this was a white lie, told to reassure me. But years later, when I was Minister of Defense, and then Prime Minister, I sometimes found myself on the other side of such meetings. An officer or official would come see me because of something said about them in the media, or remarks they were quoted as having made. When I told them I'd been unaware of it, I could see the disbelief in their eyes. By then, however, I realized that under the multiple demands of a senior role in government, you really could fail to notice events that others viewed as crucial to their reputations or careers. To reassure them I truly hadn't noticed, I'd tell them the story of my meeting with Rabin.

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There was another, slightly less noble, reason I wanted to set the record straight with Rabin. Though only gradually did I admit this even to myself, I realized that my experience in a regional command had ticked the one missing box in the CV of our top generals, meaning that I might indeed be a candidate to succeed Moshe Vechetzi as chief of staff. At first, I resisted taking the prospect too seriously. The job of *ramatkal* not only carried responsibility for overall command of the armed forces. Since our country still faced multiple security threats, the chief of staff was, along with Prime Minister and Defence Minister, among the most important, influential and visible positions in Israeli public life. Yet as the April 1987 date for the changeover drew nearer, it was difficult not to think about it. Not only was I apparently under consideration. To judge from media reports, and officers' smalltalk, it appeared that Rabin had whittled down the possibilities to two. One was Dan Shomron, and I was the other.

Still, it was only when Rabin phoned me early in 1987 that I knew it was true – and that I would not be getting the top job. "Ehud," he said, "I wanted you to know I've decided on Dan to be the next *ramatkal*. I want you to be his deputy." I can't say I was surprised he'd chosen Dan. It wasn't just that he was more experienced, or even that, since he was older, missing out on the top job this time would probably mean missing out for good. Yitzhak had always valued Dan's directness and honesty, his courage and record of service. Above all, I'd long sensed that he felt a special debt to Dan: for Entebbe. At a time when so much could have gone wrong, it was Dan who had taken a firm, confident, successful hold on the operation.

Still, I was now 45. For me no less than for Dan, I knew that if I was passed over as chief of staff, there was no guarantee I'd be chosen the next time. "I respect your decision," I told Rabin. "And I have no doubt Dan will be a good – a *very* good – chief-of-staff." But I had to consider my own future. "Even though I'm grateful for the offer of deputy," I said. "I think it's better for me to leave. To open up a new chapter, and do something else in life."

Rabin said he couldn't accept that. "Come see me," he said. "Now." When I got to Jerusalem, I emphasized again that I had no doubt Dan would lead the armed forces well. But I said my decision to leave the military wasn't a mere whim. I had been thinking about my own future and my family's. We had three young daughters. A few months earlier, we had moved home again, into a wide, one-story rambler with a big yard out back. It was in a new town called Kochav Yair, just inside Israel's pre-1967 border with the West Bank, and it struck me

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as a good time to settle down in a way that would be impossible if I stayed on in the upper reaches of the military. Perhaps do something more academic, in a university or a policy think-tank.

For the first time, politics had some appeal, too, though I didn't say this to him. At that point, I had no idea how, or even whether, I might get involved. But since my appearance on *Moked*, others seemed to assume it might happen at some stage. Out of nowhere, a leading political journalist, Hanan Kristal, had written a story in 1986 purporting to predict the successors to Israel's political old guard: Peres and Rabin in Labor, Begin and Shamir in the Likud. It appeared in the newspaper *Hadashot*. The paper ran side-by-side photos of the ostensible future leaders, doctored to look older, who Hanan predicted would go head-to-head in the election of 1996, a decade away. One was Israel's ambassador to the UN and a protégé of Misha Arens: Bibi Netanyahu. The other was me.

Rabin listened with patience to my obviously settled intention to leave, but remained firm that I should stay and become Dan's deputy. In the end, I agreed I'd think things over and that we'd talk in a week's time. In the meantime, I went to see two veteran generals who had found themselves in a similar situation, mentioned as possible chiefs of staff but never chosen: Arik and Ezer Weizman. I saw Arik on his farm in the Negev. He was obviously enjoying his extraordinary political rehabilitation since the Lebanon war. His expanding girth was settled into a sofa in the living room. I filled him in on my conversation with Rabin. "I'm considering leaving," I said. "It just seems like a long time to wait, even if I do get the job after Dan. There's a lot else I want to do in life." Arik was probably the general most experienced in being denied the chief-of-staff's office. On at least two occasions, he might reasonably have been considered. But in a career littered with tense encounters with his superiors, it never happened. "You should stay on," he said. You're not that old. It'll probably be good for you, and the army, to be deputy and *then* chief." The only further advice he gave me was to do all I could formally to commit Yitzhak to making me Dan's successor after his term ended.

I visited Ezer at his home in the seaside town of Caesarea. We sat on the terrace, with Ezer's gangly frame draped over one of the cane chairs. "Ehud, if you stay, do you think you have a good chance of being the next *ramatkal*," he asked. I said that while nothing could be certain, I thought there was a good chance. He replied without hesitation: "Then stay." He'd come close to the top job, he told me. On the eve of the Six-Day War, when Rabin had collapsed

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physically from the weeks of tension, Yitzhak had asked him to take over. He'd said no. But he said he'd always believed he could and should have been chief-of-staff – and that if he hadn't left to go into politics, he still might have got the job. Then, suddenly, he shouted: "Reuma!" When his wife appeared, he said: "Tell Barak the missing piece in my life, the one I've never stopped regretting." She smiled, and said: "It's the fact you did not become *ramatkal*."

I saw Rabin a couple of days later. Though I'd pretty much decided to take the deputy's job, I was still bothered by the prospect of serving as deputy for the next four years only to find someone else being named chief-of-staff. I knew that no matter what assurances Yitzhak gave me, there was no way of being sure. He did say he viewed me as the natural next-in-line. But I still felt hesitant. "I want you to consider two things," I said. The first was a formal decision that Dan would have only a single deputy during his time as chief-of-staff. He said yes to that. Yet the second request was going to be even more difficult. Heartening though it was to hear I was Dan's "natural successor", I asked him to put it in writing. It was not that I doubted his word. But if the surprise result of the last election was any indication, there was no way of predicting which party would be in power when Dan's terms ended. I wanted him to keep a record of our understanding in his desk and pass it on if someone else was Defense Minister by that time. Without a moment's hesitation, he took out a piece of paper and wrote down exactly what he'd told me about the succession. He shook my hand as I left. "You've made the right decision," he said.

And I had, even though Dan and I – and Rabin too – would soon face by far the most difficult challenge in Israel's conflict with the Palestinians since our capture of the West Bank and Gaza in the 1967 war.

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Chapter Fourteen

It began with an accident. On Tuesday, December 8, 1987, an Israeli tank transporter crashed into a minibus carrying Palestinians from the Jabalya refugee camp near the main crossing from Gaza into Israel. Four passengers were killed.

By the time of the funerals the next day, a rumor had spread, no less incendiary for being absurd, that the crash had been deliberate – retaliation for the fatal stabbing of an Israeli man a few days earlier. Crowds of Palestinians leaving the burials began shouting "Death to Israel!" They hurled rocks and bottles at Israeli security patrols, and blocked streets with burning tires. By the next day, the violence started spreading to the West Bank, and then to parts of east Jerusalem. The headline-writers moved from the word "disturbances" to "unrest" and finally to the Palesitnians' own name for the most serious outbreak of violence since 1967: the "*intifada*". The uprising.

At least for the first week or two, we assumed its ferocity and scale would subside. Our immediate aim was to contain it, and limit the human cost on both sides. Yet when Dan and I began visiting units on the front line of this new conflict, we realized that if it kept escalating, we'd have to find new tools and strategies to bring it under control. We were in charge of an army trained to equip and fight enemy *soldiers*. Now, we were asking teenage recruits to operate as riot police against stone-throwing mobs. Before long, it wasn't just stones, or even bottles. In one incident in Gaza, a young soldier was surrounded by a crowd of Palestinians and stabbed. He opened fire, wounding two of the attackers. Yitzhik Mordechai, now the head of the southern command, told reporters that his troops were under "strict orders to open fire only if their lives are under threat." That was true. But I couldn't help wondering how long the other part of his statement would hold: that we remained "in control of the situation."

We did *feel* in control for the first few days. Defense Minister Rabin was away in Washington on an official visit. When his office asked us whether he should fly back, we said there was no need. But on his return, we quickly agreed that, as a first priority, we needed to find an alternative to live ammunition in quelling the attacks. Otherwise, we'd be left with two equally bad options: either simply stand aside, in order to avoid killing or injuring demonstrators; or intervene with the inevitable casualties. But one of our most important early discussions was about the *broader* aspects of the violence. The meeting, held

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outside the *kirya* in a facility just north of Tel Aviv, was Rabin's idea. In addition to Dan and me, it included key members of the general staff and senior defense ministry officials. The idea was for us to hear a half-dozen academics and other specialists speak about the political aspects of the sudden eruption of Palestinian violence.

Though he spoke for barely 10 minutes, it was the last speaker who left the deepest impression. Shimon Shamir, a professor at Tel Aviv University, began by emphasizing he was not an expert in riot control. Finding a response to the violence was something we were far better equipped to do. But then he paused, looked intently at Rabin, Dan and me, and said: "What I *can* do is draw on history." One by one, he cited examples of more than a dozen broadly similar rebellions over the past century, in the Middle East and beyond. "If we were dealing with simple rioting, things might be different." But he said the Palestinians were, fundamentally, acting out of a shared sense of grievance, and shared national identity. Both were in large part the result of Israel having controlled their daily lives now for more than two decades. "I'm afraid I can find no historical precedent for the successful suppression of the national will of a people," he said. Even when those in power used unimaginably punitive tools: like expulsion, or forced starvation. "Even, as we know well as a Jewish people, extermination."

I glanced at Yitzhak and at Dan. Both of them looked like I felt: in no doubt the professor was right, yet also aware that, in the short term, we still had to find a way of putting a lid on the cauldron and keeping the situation for getting irretrievably out of control.

It wasn't as if I'd been unaware of the sense of the anger building among many West Bank and Gaza Palestinians, or of their wish to see an end to Israel's military administration and the growing number of Jewish settlements. From my time as head of the central command, I also knew that there was a young, activist core intensifying efforts to organize attacks on troops and settlers. But none of us had any inkling that something of the scale, longevity and political complexity of the intfada lay ahead.

Partly, this was a failure of specific intelligence warnings. But it went deeper than that. Sobering though it was, I had to accept that – no less so than before the Yom Kippur War in 1973 – I and many others had for too long been comforting ourselves with a fundamental misconception about our military occupation and civilian settlement in the areas captured in 1967. The roots of the myopia went back to the immediate aftermath of the Six-Day War, to the

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generally civil, and often friendly contacts, Israelis had with Palestinians at the time. The local population had, after all, been under *other* occupation powers before 1967: Jordan in the West Bank, and Egypt in Gaza. Assuming our administration was less onerous, most Israelis believed a way to coexist could be found. And that sooner or later, there would be a land-for-peace agreement and we would withdraw from at least most of the territory. But as the years passed, with no sign of a willingness by the PLO to consider any kind of peace talks, we made the cardinal error of assuming the occupation was sustainable. Yes, there might be periods of violence, but nothing that a combination of political resolve, arrests, detention and, where necessary, military force could not hold in check. For us, and certainly for me, the Palestinians became essentially a security issue. As one of Israel's finest novelists, David Grossman, would lay bare in a bestselling book of reportage called *The Yellow Wind*, about a year into the intifada, we had ceased to see the *human* effects of 20 years of occupation, not only on the Palestinians but on Israeli society as well.

Yet the power of Professor Shamir's presentation lay not so much in its novelty as its succinctness, clarity and, above all, its timing. The rioting had already gone on for longer than any of us had expected. It seemed to be gathering strength. But until our meeting, we were still looking at it essentially as a civil disturbance. *That* was what began to change, for all of us.

What didn't change was the need to try to bring the violence to an end. Dan immediately put me in charge of looking for alternatives to live ammunition. I began with our own research and development engineers. We also asked military attachés in our embassies to talk to law-enforcement agencies, academics, or anyone else with knowledge of non-lethal methods of crowd control overseas. Some of the more far-flung examples seemed promising, at least until further investigation. South Korea had years of experience in confronting student protests – generally, though not always, managing to avoid fatalities. But it turned out this typically involved sending in serried rows of up to 25,000 riot police against a few thousand campus protesters. Besides the fact we'd have needed an army the size of the Americans' to field enough soldiers, it was absurd to imagine dealing with dozens of far-flung confrontations on any given day with parade-ground formations of troops.

We looked at anything that seemed it might work. In the early stages, most of the attacks involved rocks and bottles. Our R&D engineers developed a Jeep-mounted "gravel gun" that fired stones at a distance of up to 250 feet. They could cause injuries, but weren't lethal. We acquired launchers for pepper spray

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and tear gas. We even looked at the possibility of dropping nets over crowds of attackers. Very early on, we shifted to using plastic bullets. But even that presented problems. At a distance of a hundred feet or so, they could drastically reduce deaths. But when a young recruit saw hundreds of Palestinians closing in on him, he wasn't about to take out a tape measure. Over time, we began relying wherever possible on rubber bullets and, in extreme cases, snipers to target the legs of the organizers or ring-leaders.

If all of this sounds soul-destroying, that's because it was. Especially with daily television coverage of the clashes amplifying overseas support for the Palestinians, morale among our soldiers also took a battering. In visits to units on the West Bank and in Gaza, Dan and I, and Rabin too, heard two opposite responses. Some of the young soldiers wanted us to use maximum force. *We are the army*, they argued. We have the weapons. Why the hell don't we *use* them? But we also heard another view, if less often: *why are we here at all*?

We imposed closures and curfews. We made thousands of arrests. Still, hundreds of soldiers and settlers were being injured, a number of them disfigured or disabled. By the end of 1998, the Palestinian death toll was above 300. In February 1989, an Israeli officer was killed by a cement block tossed from a rooftop in Nablus. A month later, a Palestinian knifed several people in Tel Aviv, killing one of them. And in July, in the first attempt inside Israel at a suicide attack, a Palestinian passenger grabbed the wheel of a bus on its way from Tel Aviv to Jerusalem and drove it off the road, killing 16 people.

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By the summer of 1990, although the violence had begun to flag slightly, I was feeling more drained and exhausted than at any time since my bout of illness in the Sinai after the 1973 war. I even briefly thought of leaving the army after Dan's term ended the following year. I'm not sure whether I would have done that if the situation had not begun to change. But it did, dramatically. The intifada gradually began to subside, and an entirely new crisis suddenly intervened.

On August 2, against a background of longstanding financial and territorial disputes, Iraq's Sadam Hussein sent in tens of thousands of his troops and occupied the neighboring state of Kuwait. Though the immediate crisis was

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nearly a thousand miles away from us, he tried to divert attention from US-led international condemnation of his invasion by threatening Israel. He said "all issues of occupation" were on the table – the West Bank and Gaza, the Golan Heights, and Lebanon – and vowed to "let our fire eat half of Israel" in a future war. And we could not assume this was mere rhetoric. Iraq had an arsenal of Soviet-made ballistic missiles. Called Scuds, they were not always accurate at long range. But they could reach Israeli towns and cities, and could carry not just conventional explosives but chemical warheads. Moreover, Saddam had *used* chemical weapons: during the Iran-Iraq war, and to kill thousands of his own restive Kurdish population in the town of Halabja in the spring of 1988.

Even the prospect of American military action seemed not to faze him. Hours into the invasion, he moved an armored force toward Kuwait's border with Saudi Arabia, a key US regional ally, immediately prompting the President George Bush's administration to go beyond mere verbal condemnation. With Saudi agreement, Washington dispatched a squadron of F-15s to the kingdom – the first step in what would become a huge American land, sea and air force to face down Saddam and force him out of Kuwait.

Given the credible threat of Scud missile attacks on Israel, Dan immediately assigned me to coordinate our assessment and evaluation of what Saddam was likely to do in the event of a US-led attack, and what defense arrangements or Israeli military response would be necessary. We knew we'd be under strong pressure from the Americans to stay out of any war. Israeli involvement would be a political gift to Saddam, allowing him to convert a conflict over his aggression against an Arab neighbor into a "defense" against "Israeli occupation." But we had a primary responsibility to protect our citizens.

I was now working with a new Israeli government. After Shimon Peres tried and failed to topple the unity coalition in the spring of 1990, Shamir had formed a Likud-led government shorn of both Peres and Rabin. Misha Arens was again Minister of Defense. I began preparing regular, fortnightly reports for him, Dan and Prime Minister Shamir. Within days of the invasion, I produced my initial assessment. The bottom line was that we had to assume there would be a war. It was impossible to imagine the Americans would commit hundreds of thousands of troops and simply bring them home again, unless Saddam succumbed and retreated. I was equally certain Saddam would use his Scuds against us. He'd figure the benefits of trying to bring Israel into the conflict far outweighed the risk of retaliation. But I was "nearly 100 per-cent sure" he wouldn't use chemical warheads, since that would almost guarantee an Israeli military

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response, or an American one, on an incomparably greater scale. It would also totally isolate Saddam internationally and end any chance of peeling off Arab support for the Americans.

It was my *nearly* 100-per-cent caveat that prompted a tense debate within the cabinet. Even if the probability of a chemical attack was microscopic, *any* risk of civilians being subjected to terror, panic and very possibly agonizing death meant that the government had to take precautions. The obvious first step would be to distribute gas masks. But in a series of meetings with Misha and Dan, I emphasized this was not a decision that could be taken in isolation. By handing out gas masks, we might actually raise the probability of a chemical attack. We also had to make sure as a matter of urgency that we had a workable *military* option to attack Iraq's Scud launchers.

By early November, I was dealing both with plans for distributing the gas masks and preparations for a possible military operation. So when I got a call asking me to report to Shamir's office in Jerusalem, I assumed he wanted to talk about Iraq. "How are things?" he asked. But when I began by filling him in on the plans to distribute the gas-masks, he interrupted me. "I called you here," he said, "because I wanted you to know that we've decided that when Dan leaves next April, we want you to replace him as chief-of-staff." Briefly and unusually tongue-tied, I said: "Thank you, Prime Minister". The news was made public the next morning. A few days later, it was ratified by the government. There was only one vote against, from a *former* chief of staff who was now Shamir's Agriculture Minister: Raful Eitan.

I was one of rare instances in all my years in the army when I took a step back, appreciating a moment which felt special. It was not only, or even mainly, a matter of a personal ambition fulfilled. More a sense that I was being given the opportunity to apply everything I'd experienced and learned in the army, from the day I first joined Sayeret Matkal as an 18-year-old, to improve the security and safeguard the future of Israel. I know that sounds corny. But, while the momentum toward war in Iraq almost immediately crowded out everything else again, that was truly how I felt.

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By mid-December 1990, war was virtually certain. Misha and I had been to Washington in September and agreed with the Americans that, unless we were attacked by Saddam, we would stay out of it. To do otherwise was clearly not just against the US-led coalition's interests. Given the importance of our alliance with Washington, it was against our inrerests as well. Yet with hostilities obviously getting closer, Misha phoned Defense Secretary Dick Cheney a few days later to remind him of the *quid pro quo*: we would be kept fully in the loop about the details and timing of the initial American air strikes. At around five o'clock on the afternoon on January 16, 1991, Misha got a call from Cheney. He said "h-hour" would be at seven that evening Washington time. Three a.m. in Israel.

Though we hoped to stay out, I'd now spent months coordinating and overseeing preparations to ensure we could attack Saddam's Scuds if necessary. By far most of the missiles were mounted on mobile launching vehicles, and Saddam was almost certainly going to be firing them from the vastness of Iraq's western desert. That meant an Israeli air strike alone wouldn't work. We decided on a joint air and ground operation, built around a newly created air-mobile division and other special units. A force of 500 to 600 soldiers would take control of key areas and road junctions in western Iraq and start hunting and destroying, or at least impeding, the Scud launchers.

We also engaged in secret diplomacy in the hopes of reducing one of the obvious risks in such an attack: a conflict with Jordan, which we'd have to overfly to reach Iraq. The Mossad had a unit called *Tevel*, a kind of shadow foreign ministry for states with which we had no formal relations but with which, in both side's interests, we had a channel of backdoor communications. It was headed by Ephraim Halevy, a London-born Israeli who had come to Palestine in 1948 as a teenager. He had built up a personal relationship with King Hussein, and now arranged for us to meet him at a country residence which the king had in Britain.

A few weeks before the war, I boarded a private jet to London along with Halevy and Prime Minister Shamir. Shamir had never met the king before and nor, of course, had I. But we didn't talk about the forthcoming meeting on the five-hour flight. Instead, Shamir opened up in a way I'd never seen: about his childhood as part of a relatively well-off family in Poland; his love of literature, and of the Bible. In a way, it reminded me of how my father had spoken to me when I was growing up – minus the "well-off family" part.

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When we got to Hussein's country home, we were greeted by an impressively self-assured man in his late 20s who, like Hussein, had studied at Britain's military academy in Sandhurst and then gone on to Oxford. It was Abdullah, the king's son and later his successor, and he explained that he would be in charge of handling security for the talks. For a few hours in the afternoon, we held preliminary discussions, and I presented our assessment of the challenges and options facing all the different players in the crisis. Then we retired to a dinner at which – despite the royal china, crystal and silverware – the atmosphere was also surprisingly informal.

The main meeting came the next morning. Both sides recognized the seriousness of the issues we had to discuss. Shamir began with the one we assumed would be the least difficult. Israel was on a heightened state of military alert, prompted by Iraqi reconnaissance flights over Jordan, and the likelihood the Iraqis were also hoping to get a look at our main nuclear research and development facility in the nearby Negev. It was important to ensure this didn't lead to an unintended conflict between us and the Jordanians. While the king was careful to steer clear of any detailed comment on the Iraqi moves, he made it clear that he understood our concern about stumbling into an Israeli-Jordanian conflict and agreed that we had to avoid doing so.

Yet the issue of *our* overflights, if we needed to attack the Scuds, was more sensitive. We said that if we did have to cross into Jordanian air space, we would find whatever way the king suggested to make it as unobtrusive as possible. We raised the possibility of using a narrow air corridor. His response was not hostile, but it was firm. This was an issue of Jordanian sovereignty, he told us. He could not, and would not, collaborate in any way with an Israeli attack on another Arab state. It was Ephraim who tried to find a way around the apparent stalemate. He suggested Shamir and the king withdraw to speak alone, ad they met for nearly an hour. When Shamir emerged, clasping the king's hand and thanking him for his hospitality, he turned to us and said: "OK. We're going home."

He didn't tell us exactly what Hussein said. In the few sentences with which he described the talks on the flight back, he said that, as a sovereign, Hussein could not order his forces to ignore Israeli planes. But he added: "I assume there will be no war with Jordan." I took that to mean there might well be an attempt to intercept our jets, with the risk that either we or they might end up with one of our planes shot down, but that the king would use his authority and experience to ensure this didn't lead to a wider confrontation.

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The Israeli public's concern over a possible Iraqi attack was growing by the day, in part because of the precautionary measures we'd taken. We had handed out gas masks to the whole country. Though I'd been concerned that might raise the prospect of a chemical attack, I still thought a chemical strike was highly unlikely. The government rightly decided that *not* distributing the masks would betray a fundamental responsibility to the safety of our citizens. We'd also issued instructions about how to equip a room, usually the shelter included in nearly every Israeli home, as a *cheder atum*, or "sealed room" to keep gas from getting in. The Israeli media was full of speculation about the likely effects of a chemical attack. Many families had begun panic buying of food and other necessities to prepare for the possibility of days and nights in their sealed shelters.

In my report for Dan, Misha and Shamir a few weeks before the war, I drew on systematic analysis by a team of experts in the Israeli air force and made my most specific estimate yet of the damage conventionally armed Scuds might cause. We had gone back into historical accounts of the closest equivalent: the Nazis' use of V-1 and V-2 rockets against London in the Second World War. Given Saddam's primary need to fight Americans, and the likelihood either they or we would take military action against the launchers, we concluded we'd be hit by roughly 40 missiles, and that, based on Britain's wartime experience, up to 120 Israelis might lose their lives as a result.

The first air-raid sirens wailed in Israel at about 2 a.m. on January 18, 1991, almost exactly 24 hours after the Americans began their bombing raids over Baghdad. I was home in Kochav Yair. Like other Israelis, we'd set up a sealed shelter. Though I felt a bit silly doing it, having assured the government Saddam was vanishingly unlikely to use chemical warheads, we woke up the kids and Nava took them inside. I put on my own gas mask. But when I ran out to my car, I removed my mask and put it on the passenger's seat before heading in to the *kirya*. I wanted to get there quickly enough so that the *bor*, the underground command bunker, wouldn't have to reopened when I arrived. I took a short-cut, through the West Bank town of Qalqilya. That was, to put it mildly, stupid. Although the *intifada* had become steadily less intense during the build-up to the war, it wasn't completely over. Within seconds, my black sedan was being

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pelted with stones by a half-dozen Palestinian youths. I thought to myself: this is nuts. One of Saddam's Scuds might well be about to hit Israel, and I've got myself stuck in the middle of a West Bank town. To the obvious shock of the Palestinians, I floored the accelerator and raced toward Tel Aviv. It still took half-an-hour. Misha and Dan, who lived closer to the *kirya*, were already in the bunker.

Ten Scuds hit near Tel Aviv and Haifa that night. It was not until shortly before dawn that our tracker units got back to us with formal confirmation that there had been no chemical warheads. The rockets caused a half-dozen injuries, though thankfully none was serious. Still, the very fact Saddam had proven he could hit Israel with ballistic missiles provoked widespread alarm. Well into the next morning, the streets were almost empty. Misha phoned Cheney and strongly implied we were going to have to attack the Scud sites. I know that was Misha's own view, and it only hardened after another four missiles hit the Tel Aviv area the next morning. Again, no one was killed, but several dozen people were injured from debris, shards of glass and blast concussion. I visited several of the areas that had been hit and was shocked by the scale of the damage. One four-story apartment building had been virtually destroyed, and there was blast damage to other buildings hundreds of yards away.

The Americans were clearly determined, in both word and deed, to persuade us not to take military action. They rushed an anti-missile system called Patriot to Israel. Cheney was also giving us frequent updates on American air strikes against suspected Scud launch sites. And the Israeli public did seem to grasp the serious implications for the US-led coalition of our taking unilateral military action. Opinion polls suggested most Israelis were giving Shamir credit for the way he was handling the crisis.

Still, it wasn't easy for Shamir to hold the line. This was the first time since 1948 that enemy munitions had landed on Israeli homes, provoking not just fear, but a feeling of helplessness. That inevitably led to calls for the army and the government to *do something*. I saw his dilemma first-hand at an emergency cabinet meeting after the first two Scud attacks. For Arik and Raful, the political effects on the US coalition were irrelevant. The issue, for them, was simple: Israeli cities had been attacked, and we should respond with any and all force necessary. Our air force commander, Avihu Ben-Nun, favored going ahead with the joint and-and-ground attack we'd prepared, and Misha agreed with him. So did Dan Shomron. The key voices of caution were Foreign Minister David Levy; Ariye Deri, the leader of the Sephardi Orthodox party Shas; and two

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young Likud politicians, Dan Meridor and Ehud Olmert, with whom I had become friendly. They, like me, were concerned about undermining the Americans' military and diplomatic coalition.

Shamir mostly listened, until very near the end. He then asked Dan Meridor, Misha and me to join him in a separate room. He asked each of us for our views. Misha, even more strongly then in front of the full cabinet, argued that we could not allow night after night of missile attacks without responding. Meridor reiterated his opposition, stressing the damage we'd risk doing to the Americans' war effort by possibly weakening Arab support for their attack on Saddam. When Shamir turned to me, I said that if the government did decide on military action, we were ready. From a purely military and security point-of-view, I said, an attack made absolute sense. Even if we didn't succeed in destroying, or even finding, the mobile launch sites, putting a military force on the ground would almost surely lead to a dramatic reduction in the number of Scud launches. But, echoing Meridor, I added that a military response would carry a *price* in our relationship with the Americans. My view was that, at least for now, we should hold off.

When we rejoined the meeting, Shamir rapped his hand on the table. In the startled silence that followed, he said he shared many ministers' urge to hit back against the Scuds. But he said: "*At this stage*, we're not going to do anything. We bite our lips and wait."

Three nights later, his resolve was stretched almost to breaking point. Missiles landed in the Tel Aviv suburb of Ramat Gan, and nearly 40 homes were damaged. A three-story house was flattened. In all, nearly 100 people were injured, and three elderly residents died of heart attacks. On the night of January 25, another seven Scuds hit. Nearly 150 apartments were badly damaged, and a 51-year-old man was killed. The pressure on Shamir was all the greater because the Ramat Gan attack had come within range of one of the Americans' Patriot batteries. The Patriots had been originally designed not as anti-missile weapons, but to attack aircraft, and they seemed to have been ineffective. Nor were American air strikes in Iraq stopping the Scuds. Though American jets had taken out a few fixed launch sites, they were having no luck with finding and destroying mobile launch vehicles.

Even Shamir now felt that unless the Americans got the mobile launchers, we would have to attack military action. I was sent to Washington along with Misha and David Ivri, a former air force commander, to deliver that message to the Bush administration. From the first days after Saddam's attack on Kuwait,

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I'd been impressed by President Bush's political acumen in assembling an international coalition including the key Arab states. Through Unit 8200 in military intelligence, we would only very occasionally get verbatim transcripts of his conversations as he brought first the Saudis and other Gulf states on board, then Morocco, and eventually even Syria. More often, I'd see the President's deft diplomacy second-hand, through intercepts of Arab leaders' communications with one another. But the picture which emerged was of an American president deftly able to stake out common ground, and common interests, with each of the Americans' growing number of anti-Saddam allies.

When we entered the Oval Office on the evening of February 11, Bush was flanked by Secretary of State Baker, Defense Secretary Cheney and national security adviser Brent Scowcroft. Also there was Colin Powell, a general whom I had got to know well, and to like, over the past few years and who was now head of the joint chiefs-of-staff. Given the seriousness of our mission, the start of the meeting was almost surreal. The Americans had obviously been told that I was born on February 12. Since it was just past midnight in Israel, they began by wishing me a happy 49th birthday.

Yet pleasing thought that was, it became clear there was a disconnect between the tension among Israeli government ministers, and ordinary Israelis, back home and the relaxed, self-assured, at times even jovial mood of the President and his inner circle. Their primary focus was clearly not on Israel, but on the overwhelming success of their air attacks on Iraq and the approach of a ground offensive that they were confident would finish the job. That didn't seem to change even after a truly extraordinary interruption to our meeting, when one of Misha's aides passed on the news that a Scud had struck the Tel Aviv suburb of Savyon, where Misha himself lived. He immediately excused himself and went to phone his wife, Muriel, to confirm she was fine. When he returned, despite their *pro forma* words of empathy, it seemed almost as if the Americans thought we had cooked up the entire thing for political effect.

Bush did say the right things as the discussion turned to the missile attacks on Israel. He told us he understood our frustration, and the pain the Scud launches were inflicting. He appreciated our restraint. I have no doubt that all of that was true. But the message we'd been sent to deliver clearly wasn't hitting home. As politely but as clearly as I could, I told President Bush that while we didn't want to do anything to undermine the coalition, unless someone else took care of the Scuds, we would have no choice but to act.

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The President responded by suggesting we go to the Pentagon and talk in greater detail about how, for both our countries' benefit, that could be avoided. When we convened in Secretary Cheney's office, I delivered the same message, but more forcefully. I felt it was essential not only to make it clear we serious about taking action, but that we had the military *capability* to do so. So I told Secretary Cheney and Colin what we were planning. I said we intended to launch a combined air and ground assault by an air-mobile force and our best paratroop units. At that point, Colin, who was clearly worried, suggested the two of us withdraw to speak "soldier to soldier." We retreated to his office. Spreading out a map of western Iraq, I went into greater detail, explaining how we would remain in the Iraqi desert on a search-and-destroy mission against the mobile launchers. Colin stressed the efforts the Americans were making from the air, and the commitment they'd shown to Israel. Not only had they delivered the Patriots. They had allocated their best fighter jets, F-15E's, to the task of taking out the Scuds. It helped that he and I had got to know and respect each other, so it wasn't an all-out argument. But I reiterated that if the Scud attacks kept up, we would have to act. "We *will* act," I said. For a few seconds, he said nothing. But as we headed back to join the others, he told me that only a few hours ago, he had briefed American commanders on an anti-Scud operation by "allied forces" like the one we were planning. "It will happen," he assured me. "Within 48 hours."

That task fell to Britain's SAS. The operation was almost exactly the same as the one we'd planned. A force of nearly 700 commandos was helicoptered in to Iraq's western desert, equipped with Jeeps and Land Rovers, and anti-tank missiles and laser targeting capability. They were also able to call on attack helicopters and F-15 jets if necessary. The operation did not prove easy, quick, or entirely successful. The British troops blocked the main roads and patrolled them. But they did not find or destroy a single mobile launcher. They ended up in gun battles with Iraqi troops. The SAS lost something like two dozen men. Five were part of a group that got separated from the others and ended up freezing to death in the February cold. All of the men risked their lives, with incredible determination and bravery, in an operation to secure the safety of Israel's civilian population. And I have no doubt that the outcome, like the plan, would have been almost identical if we had done it ourselves.

And it *did* have an effect. As I'd told Prime Minister Shamir when briefing him on our attack plan, the very fact of a military presence on the ground made a dramatic difference. The number, accuracy and impact of the Scuds dropped off steeply. A few missiles kept coming, however. Since we did not yet have a

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fully detailed picture of the progress of the SAS action, skeptics and hawks in the cabinet were inclined to see a glass half-empty. They continued to press for Israeli military action.

In a rare public statement, I tried to reassure the country we did have a military option, but also to urge restraint. I pointed out that the number of Scuds had begun decreasing. Though the threat had not been eliminated altogether, we had "very good operational plans" that would be "carried out when and if the Israeli government instructs us to implement them." Yet I added a caveat. "On the political level, fingers are itching to carry out operations which, in our opinion, can remove the threat. But in the complex situation created by this war, neither anger, hurt, nor itchy fingers can replace rational thinking."

The American ground invasion did turn out to be swift and decisive. In Israel, Scud attacks continued for a few more days. But the last two missiles fell in the Negev before dawn on February 25, among the very few to cause neither casualties nor damage. We turned out to have been right in our pre-war assessment about the number of missiles: around 40. Fortunately, the casualties were far fewer than we'd anticipated. Not 120 dead, but fifteen, only one of whom died directly because of a missile blast. The other deaths were the result of understandable panic: the misuse of gas masks or the gas antidote drug atropine, or from respiratory and cardiac failure. The physical damage, however, was far greater than I'd anticipated. Buildings were destroyed. Cars were crushed. Glass and debris flew everywhere. In financial terms, the cost ran to hundreds of millions of dollars. The true impact was greater: on families who saw the destruction not only their homes, but a lifetime of prized possessions. For Holocaust survivors in particular, there was the almost unimaginable terror of having to huddle in sealed rooms for fear of gas. And all Israelis had experienced a new sense of vulnerability to a faraway enemy whom they couldn't see nor, apparently, stop.

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I was due to become Israel's 14th chief-of-staff at the start of April, barely a month after the last Scud attack. As the handover drew nearer, I felt fortunate, in a way, to have missed out on the job four years earlier. Not only had Dan excelled as *ramatkal*. I'd benefited from his range of experience, his judgment, and his trust as well. We had worked together truly as a team.

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I was grateful not only to Shamir for naming me chief-of-staff, but to Rabin and Misha. Both had honored the assurance Yitzhak had given me that I'd be Dan's successor. I also discovered Misha had played an even greater role than I'd assumed. I knew there would be other candidates for the job. The strongest turned out to be Yossi Peled, who was the head of the northern command and possessed the undoubted credentials to be an excellent chief-of-staff. What I hadn't been aware of was the sentiment among some in the Likud that I was the wrong choice *politically*. Not only had been born on a Labor kibbutz. There was the small matter of the article in *Hadashot* several years earlier, imagining me as a Labor leader going head-to-head in a future election against Bibi Netanyahu for the Likud.

Yossi was assumed to be more of a Likudnik, and a few weeks before Dan left office, I learned how Misha had rebutted the suggestion I was politically unfit to lead the armed forces. He was visiting the north and was taken aside by a group of Likud activists who asked how he could possibly be thinking of supporting *Barak* – a Labor guy – for chief-of-staff. At first, Misha didn't reply. But one woman kept pressing him.

"Do you have children in the army?" he asked.

"Yes. I have a son in the Golani Brigade," she replied proudly.

"So let's assume your son is going on a raid across the border. Would you want his company to be led by the best commander in the battalion? Or by a commander who's Likud?"

"The best commander, of course," she said.

To which Misha said: "Well we do, too."

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Chapter Fifteen

On the morning of April 1, 1991. I got up even earlier than usual, to visit the graves of the men who had lost their lives in my battalion in the Yom Kippur War. I also went to pay my respects to Uzi Yairi, killed when he'd rushed from his desk in the *kirya* to join the Sayeret Matkal attack at the Savoy Hotel. Then Nava and I drove to Jerusalem. At Israel's national military cemetery on Mount Herzl, we stood before the resting place of Nechemia Cohen, Yoni Netanyahu, Dado, and Avraham Arnan. From there, we went to the Prime Minister's office. With Dan Shomron and his wife looking on, Shamir presented me with my third star and formally made me chief of staff.

For years, I'd developed the habit of carrying around a notebook in which I'd jot down thoughts on things I thought that the Israeli military, and I as an officer, could have done better: errors, oversights, and how we might fix them. In the weeks before becoming *ramatkal*, I'd filled dozens of pages on issues large and small I hoped to address as the commander of the armed forces. A lot of them dealt with what I sensed was an erosion of cohesiveness in the army, and, since ours was a citizen military, a fraying of the relationship between the army and Israeli society. To some degree, this was inevitable in a country now nearly 45 years old: developed economically and free of the kind of existential threat we'd faced in the early years of the state. But the political divisions over the war in Lebanon, and morale-sapping need to quell the violence on the West Bank and in Gaza had further strained our unity of purpose.

Militarily, we were now indisputably strong enough to defeat any of the Arab armies, even if they launched a joint attack as in 1973. Our most important overseas ally, the United States, was committed to helping us retain that position – what both we and they called Israel's "qualitative edge" – in the interest of our security and their own. But we were facing a series of new, *unconventional* challenges. One of them, which had come on to Dan Shomron's and my radar over the past year, was Iran. Though geographically distant, it was potentially the most serious in the longer run, as Dan himself warned Israelis in his final interview as chief of staff. Iran was likely to become even more assertive regionally now that the Gulf War had weakened its neighbor and rival, Iraq. We also knew, from our intelligence sources, that the Iranians were making preliminary efforts to develop a nuclear weapon.

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Yet the most immediate security concerns were right next door. In Lebanon, Hizbollah fighters were being armed and financed by the Iranians and by Syria as well. They were mounting increasingly effective operations against the Israeli troops we'd left in the security zone. Even closer to home, Palestinian attacks on both troops and civilians, though on nowhere near the scale of the first months of the *intifada,* showed no sign of ending. I had my own views on both. In Lebanon, I still believed we should pull out all our troops and focus our security arrangements on what really mattered: protecting the citizens of northern Israel. As for the lessons to be learned from the intifada, my view that we needed a political dialogue had inadvertently become public, from remarks I made in Moshe Dayan's honor at a memorial event a few months before becoming chief of staff. "We are currently in a struggle with the Palestinians – a long, bitter and continuing struggle," I said. "A people cannot choose its neighbors. But we will have to talk to the Palestinians about matters, especially about issues that are vital to them."

Still, I was the commander of the armed forces, not a politician. Though all chiefs of staff had political influence, if only as part of the decision-making process on all major security questions, making *policy* was for our elected government. My main focus was on how to improve the military's fitness to respond. I'd lived through, and more recently fought in, all of Israel's wars. I felt that we had yet to apply some of the critical lessons from those conflicts. Leading tanks into battle against the Egyptians' deadly Sagger missiles in 1973, and a decade later watching whole Israeli armored columns stalled and attacked by small bands of PLO fighters or Syrian commandos in Lebanon, had hardened my conviction that Israel needed a leaner, more mobile army, with more specialised strike units, as well as more easily targeted, less vulnerable weapons systems. I wanted to shift the emphasis to weaponry that relied on Israel's strengths in new technology, invention and engineering. In a sense, this was the macroscopic equivalent of one of the guiding principles of Sayeret Matkal: brains, not just brawn.

While cost-saving wasn't the catalyst, I did realize that a change in strategy would mean a change in how we allocated our resources. When Israel bought its first Mirage jets from France in the 1960s, they cost about a million dollars apiece. The price tag of an F-16 was now closer to *fifty* million dollars. The cost of a tank had increased tenfold. I wasn't going to deprive the air force of state-of-the-art aircraft, key to our ability to fight and win a war. But while we still needed a strong armored corps, it was important to realize that units like the

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new air mobile division we'd planned to use against Saddam's Scud launchers were likely to be a lot more important than tank formations in future conflicts.

Six days into the job, I called together every officer in the army, from the rank of lieutenant-colonel up. I said we needed to remind ourselves of the army's purpose: to protect Israel's security and, if a war came, to win it. My budgetary rule of thumb over the next four years would be simple: anything that didn't directly contribute to that mission was expendable. In fact, I put it a bit more bluntly: "We need to cut anything that doesn't shoot."

My first attempt failed utterly. I proposed to close, or sell off, the army's radio station, *Galei Tzahal*. Running it cost serious money. If we were going to cut everything that didn't shoot, it was an obvious candidate. But what I failed to take into account was its popularity with the listening public. Although other radio stations had opened recently, for many years it had been the only major alternative to the state-funded Kol Yisrael. It also provided a training ground and employment feeder for future journalists. *Galei Tzahal*'s alumni included some of the country's top media figures, and more than a few members of the Knesset. Within weeks, a lobbying effort was underway to "save" the station. I went to see Misha. He agreed that, from a military and budgetary standpoint, closing it was the right thing to do. But in an early lesson in how different politics were from the army, he told me that *politically*, it simply wasn't going to fly. "Drop it, Ehud," he said. So I did.

Still, I did end up fundamentally retooling the armed forces during my time as chief of staff. We developed agile new strike forces and high-precision, high-tech weapons systems with "stand-off" munitions designed to be fired from many miles away. In the 1973 war, and for the decade or two that followed, Saggers, and the US-made TOW missiles that Israel acquired after the war, had the capability to transform a battlefield. Now, Israeli developers came up with small, ground-launched missiles that could take out a tank from five to 10 miles away, even without a direct line of sight to the target. Of even more long-term military significance, I pushed ahead with developing pilotless drones – so-called UAVs – making us the first army in the world to produce and deploy them.

Yet for a security challenge like the intifada, even the most advanced stand-off munitions or UAVs offered no practical answer. The latest stage in the violence involved knife attacks by Palestinians against Israeli civilians, both on West Bank settlers and inside Israel. Days after I took over, a 26-year-old from Gaza, wielding a butcher's knife and shouting *Alahu Akhbar*, killed four people,

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including a kindergarten teacher, in Jerusalem. On the morning of May 24, 1992, a 15-year-old Israeli schoolgirl named Helena Rapp was on her way to catch the bus to school south of Tel Aviv, when another Gazan stabbed her to death. To the extent Israelis were looking for someone to blame, there were obvious candidates. The army, the primary defense against the intifada, was one. The police even more so, since many of the attacks were now taking place inside Israel. And in ugly rioting after Helena Rapp's murder, bands of Israelis took to the streets, some of them yelling: "Death to the Arabs". Still, most people understood that criticizing the army or the police, or going on a rampage against "the Arabs" – hundreds of thousands of whom were Israeli citizens and had lived among us since the birth of the state – would not help. Most, in fact, placed the blame, and lodged their hopes, with the government.

By the time of the next election, in June 1992, the combination of Palestinian violence and the still-traumatic memories of Saddam's Scuds, left Israelis doubtful that Shamir could fulfil the most basic responsibility of government: ensuring their day-to-day security. Labor had once again placed its electoral fortunes in the hands of Yitzhak Rabin, following Peres's several failed attempts to lead the party back into power. Knowing that Rabin had a record of military command unmatched in Israeli politics, Labor strategists did not so much need to convince voters as to reinforce their fears and frustrations. One of the campaign slogans, a direct appeal to the anger over the stabbing of Helena Rapp, was "Get Gaza out of Tel Aviv!" Labor ended up gaining five Knesset seats, and now had 44. The Likud lost eight and was left with only 32.

That meant that my last three years as chief of staff would be with Rabin back as Prime Minister – and, like Ben-Gurion before him, as Defense Minister as well. He and I had been in touch only occasionally since his departure from the unity-coalition government two years earlier. But I had, of course, spoken with him after my appointment as *ramatkal*, in which he'd played an important part. Though he was 20 years older than me, our relationship had become steadily closer over the years, especially when I'd worked with him as Defense Minister. In some ways, we were alike. We'd both been forged by Labor Zionism. We were career military officers, uncomfortable with flights of political rhetoric and convinced that Israel's security and its future depended less on words than on action. In large groups especially, both of us tended to be men of a few words. Over the next few years, we would become even closer, speaking not only in the *kirya* or at Yitzhak's office in Jerusalem, but also, with Nava and Leah, around the dinner table at Rabin's apartment in Tel Aviv.

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But there were times of crisis, and high tension, as well. Only five months after the election, Rabin and I faced one of the most painful periods during my entire time as chief of staff. It began with the gruesome death of five Sayeret Matkal soldiers during a training exercise in the Negev desert. I'd made preventing such accidents a top priority. By the end of the 1980s, they were claiming as many as 80 lives a year. During Dan's tenure, we'd brought the number down to about 35. But I knew we had to do more. When I'd addressed the officers after becoming chief of staff, I told them: "Parents are giving us their children in order to allow us to protect the country. They know there is risk involved. But they expect their children not to be brought home in coffins because of our own negligence, or stupidity." What happened at the military base of Tze'elim in the Negev on November 5, 1992 was not only a reminder of how far we still had to go, however. It occurred during a dry run for an operation unlike any that Israel had ever considered. For that and other reasons, it would erupt into a major political controversy.

Though the reason for the exercise was meant to have remained a closely guarded secret, foreign newspaper reports in the weeks after the training accident made secrecy impossible. We were planning to infiltrate a Sayeret Matkal unit into Iraq, and to kill Saddam Hussein.

The Gulf War had blunted any immediate threat from Iraq. But Saddam had proven he could launch missiles into the heart of Israel. We knew from our intelligence reports that, in addition to his unabated desire to acquire nuclear arms, he retained facilities to produce chemical weapons. He was trying to acquire and develop new biological weapons. In fact, the Iraqis had actually acknowledged a biological weapons program to UN inspectors, claiming it was for "defensive purposes."

The idea for an attack on Saddam had first been raised a year earlier, when my former Sayeret Matkal comrade, Amiram Levin, asked to see me. He was between military postings, but had come up with the outline of a plan he felt would allow us to isolate Saddam during a public appearance and kill him. With my approval, he and a small group of officers in the sayeret began working further on the idea, with the initial aim of seeing whether it was really workable. Since Misha was still Defense Minister, I briefed him on what we were doing. I

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also briefed Rabin after the election. At that stage, there was no discussion of whether we actually would, or should, target Saddam. I asked Misha, and then Yitzhak, only whether such an operation might seriously be considered by the government. If not, I said, we'd drop it. Both replied that we should go ahead with the planning and preparation. The November 1992 exercise was intended as a final test of its viability – before deciding whether actually to do it.

A few weeks earlier, Rabin and I had talked through the arguments for and against. The arguments *against* it were obvious. Yes, in the past we had abducted, or even killed, leaders of groups involved in terror attacks. But we'd never contemplated targeting a head of state. Crossing that line risked being seen not just as attacking a dictator with a record of ruthlessness and murder at home, and aggression towards Israel, but long-accepted norms of international relations. The arguments in favour began with the fact that Saddam was a meglomaniacally ambitious dictator. He had also fired missiles on our towns and cities. He retained the capability to arm them with chemical warheads, possibly biological agents, and conceivably a nuclear warhead in the future. Both Rabin and I agreed there were two key tests of whether an attack would be justified: was it was the only realistic way of confronting the threat from Iraq, and would killing him end, or at least exponentially reduce, that threat.

Though there was no final decision at our meeting, Rabin was clearly inclined to go ahead. An Israeli TV program two decades later unearthed a summary of the discussion, written by his military aide. "The Prime Minister approves the target... This is an operation we should go for when the probability of success is very high," it said. "Thus, we have to build the operational capability in the best possible way, and continue preparations." In another part of the record, Rabin is quoted as having defined the elimination of Saddam as a "meaningful objective" with implications for "the very security of Israel." He added: "I do not see anyone similar to him in the Arab world."

I, too, was on balance persuaded we should do it. In the years since, I've sometime reflected on what happened with Saddam still in place: the 2003 invasion of Iraq, led by the younger President Bush, the tens of thousands of lives lost, the trillions of dollars spent on a war without any clear end, and the near-disintegration of Iraq. But with the complexities of Iraq then and now, there can be no simple answer to how the situation would have changed if we'd killed Saddam. Our view, based on detailed intelligence analyses, was that the likely result would have been a fairly rapid takeover by a few top security and Baath Party figures and that, while the new Iraqi leadership might try to retaliate

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with terror attacks, a major military response was highly unlikely. Saddam's successors were never going to be Zionists. But we were persuaded that his uniquely central role meant the threat to Israel would be dramatically reduced.

I'm much less sure whether the elder President Bush, whose election defeat to Bill Clinton came just two days before our final exercise in the Negev, would have agreed with the attack. After the victory in the Gulf War, Bush had deliberately stopped short of sending American forces on to Baghdad. He was also vice-president, under Reagan, when Israel had bombed Saddam's nuclear reactor – an attack publicly condemned by Washington. I did ask him some years ago whether the Gulf War might have been handled differently if Israel *hadn't* taken out Saddam's nuclear program a decade earlier. "What if he'd had a couple of crude nuclear devices," I said. President Bush smiled in response. He said he didn't deal with "hypotheticals."

Yet any idea of an Israeli attack on Saddam became instantly irrelevant once foreign media reports had disclosed the reason for our ill-fated military exercise in the Negev. Inside Israel, the focus, and the controversy, shifted to the accident itself.

The foreign media reports of the operation we were planning proved remarkably accurate. Some of the details still remain classified, but we were going to use one of our new "stand-off" weapons systems: a camera-guided missile that could be fired from a considerable distance away and, in coordination with one of the Sayeret Matkal soldiers nearer in, maneuvered in for the strike. After months of planning and intelligence work, we were confident that we'd found a way to get the sayeret unit into Iraq, target Saddam at an event we knew he would be attending, isolate and kill him with minimal danger of any other casualties, and get our unit out safely again. The Negev exercise was a run-through of the entire operation. It lasted nearly 48 hours. And it culminated in a simulation of the missile attack on Saddam.

I was there as an observer along with Amnon Lipkin, my deputy chief-of-staff; as well as the head of military intelligence, the head of operations and Amiram Levin. We assembled at dawn for the simulation of the missile attack. We watched from a few hundred yards away as a group of young Israeli soldiers walked into a wide area in front of us: posing as Saddam" and his entourage. We – and they – knew that this was just the first part of the exercise. In a Land Rover more than five miles away, a member of the sayeret strike unit would be confirming coordinates and, in rapid succession, "firing" two of the precision missiles. But this was just to confirm that the targeting system had worked

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perfectly. No missiles would actually be shot. This stage was for the telemetry. Once that was done, the soldier-actors would be replaced with wooden targets and the real munitions would be tested.

The young soldiers stated chatting to one another, and milling about, simulating as best we could the circumstances in which we expected to target Saddam if the operation got final approval. In theory, within a minute, two minutes at most, we would get word that the preliminary mock-firing sequence had gone perfectly – at which point the artillery-range targets would be brought in for the live test. But suddenly, there was an explosion. A split second of silence. Then pandemonium. There was no need to know, and no time to wonder, what exactly had gone wrong, or how it had been allowed to happen. It was obvious to all of us that the *live* missiles had been fired. We sprinted forward. When we got to the group of soldiers, we could see that four of the young men were dead. Another was fighting for his life. Several others were also wounded.

A sayeret medic and several senior officers were trying to save the most badly injured man, but I knew I needed to get military doctors and medical evacuation helicopters in immediately if we were to save the lives of the injured soldiers. I had a mobile phone, but couldn't get a signal. I ran toward a slightly higher area a few dozen yards away and managed to get through to the *kirya*. I issued orders for the nearby training base in Tze'elim and an air force near Beersheva to dispatch helicopters to treat and evacuate the wounded.

We heard the first chopper about 25 minutes later, but it seemed initially unable to see us, because it flew on before returning and landing two minutes later. By that time, a medical team from the base in Tze'elim had arrived. Ten minutes later, two other medevac choppers landed. But the soldier who had been worst wounded could not be saved. After the doctors had been there about 20 minutes, I again retreated to the area where I could get a mobile signal, and phoned Rabin to tell him what had happened. We agreed I should come back to brief him in detail. It was now about 50 minutes since the missiles had hit. The wounded were all being treated. One of the helicopters had taken off for Beersheva Hospital. Another two, including a heavier Sikorsky transport helicopter, were preparing to leave. I arranged for Amnon, military intelligence chief Shmuel Arad and me to return to the *kirya*. I told Amiram to stay until he had confirmed all the injured had been evacuated, and talk to everyone involved to get a preliminary idea of why and how the tragedy had happened.

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When I got back, we immediately met with Rabin and agreed on the need to launch a formal investigation. Rabin then asked me to brief the "editors club", a group of about 15 media figures that operated on a gentleman's agreement that there would be no publicity or leaks. He believed we should not make public the fact that I and other generals were there when the accident occurred. At this stage, we still hoped to hide the purpose of the exercise if possible, something Rabin knew would be harder if it was known the top military leadership had observed the exercise. When I briefed the editors' club, I did tell them in confidence that I'd been there. Though not specifying the reason for the exercise, I told them it was for a major operation. The time-honored understanding was that this information would go no further. But it did, presumably at first because of leaks by Israeli journalists, then in a series of detailed reports in the foreign press. Even more frustrating on a personal level, some of the Israeli reports insinuated that far from giving the editors the full story of who had been at the Negev exercise, that I'd tried to *hide* my presence in order to protect my reputation or shirk responsibility.

Two official inquiries followed: the one we'd agreed with Rabin and a standard army legal investigation. They found the cause of the tragedy to be a mix of fatigue after some of the soldiers had spent nearly 48 hours awake, pressure, confusion and negligence. Astonishingly, it turned out the codeword for the mock-firing of the missiles in the first stage of the exercise was the same as for the live missiles. Formal charges were brought against two Sayeret Matkal officers, and reprimands issued to Amiram Levin and Uri Saguy. I was also subject to criticism because, due to the unique complexity of the plan, I'd put Amiram and senior officers within Sayeret Matkal in charge of different aspects of the preparations. This was viewed as possibly reducing the clarity over who was ultimately responsible for each aspect of the planning. Neither I, nor of course Rabin, had played a direct role in what went wrong in the exercise itself. To the extent I'd been involved, it was to make sure the medical teams were helicoptered in, and that the injured soldiers were cared for and evacuated as soon as possible. But politically, the tragedy at Tze'elim would dramatically resurface for both me and Rabin several years later – after I'd left the military and was on the verge of joining his government.

I was getting to know Yitzhak much better. The Defense Minister's office in the *kirya* was just down the hall from mine. Almost without fail on Friday afternoons, he'd ask me in to chat before going home. We would sit around a low table in the corner of the room, each of us sipping coffee, or sometimes beer, and Rabin invariably puffing on a cigarette. He never raised questions of

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party politics. But we talked at length about Israel's immediate security concerns, as well as the country's longer-term challenges in finding its place in more stable, peaceful Middle East. How, over time, we might manage to extricate ourselves from the escalating violence with Hizbollah; reach a land-for-peace deal with the enigmatic President Hafez al-Assad in Syria; and find some form of coexistence with the Palestinians.

He also spoke about international politics. I remember one afternoon in the summer of 1992 when he mentioned the then US presidential candidate Bill Clinton. He'd met Clinton for the first time in Washington, after two days of talks with President Bush at his summer home in Maine. Rabin was naturally more comfortable dealing with Republicans. Almost all his experience in public life – as a military officer, ambassador to Washington, Defense Minister and Prime Minister – had coincided with Republican administrations. The irony was that he would go on to forge a much closer relationship with President Clinton than between any previous Israeli and US leader. But his first impression was more skeptical. "Clearly, Clinton is very intelligent," he said. "He is surprisingly sharp politically for someone his age. But also, I fear, a little bit too slick."

* * *

We did not have long to focus on the lessons and implications of Tze'elim. For weeks before the training accident, a crisis had been building in south Lebanon, with a sharp escalation of the now-familiar mix of clashes inside our "security zone" and cross-border rocket attacks. Hizbollah was now armed not just with Katyushas but Saggers, American-made TOW anti-tank missiles and an increasingly sophisticated array of roadside bombs. A combination of Hizbollah attacks and "friendly fire" incidents or firearms accidents involving our troops meant that Israelis were still dying in Lebanon a decade after the formal end of the war. It was demoralizing for the Israeli public, for the soldiers who we rotated into the security zone and for the government as well. The difficulty was that it was also a situation that perfectly suited Hizbollah.

In late October, a Katyusha rocket had claimed the life of a 14-year-old boy in the northern Israeli town of Kiryat Shmona. Hizbollah escalated its rocket fire in the days that followed, forcing tens of thousands of residents into their shelters. Predictably, there was pressure from Likud politicians to hit back hard.

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Raful Eitan, who had founded a small right-wing party called Tsomet, went further. He called the attacks "an act of war" and said we should "respond in kind." We did move troops and tanks to the border. But my view, which Rabin shared, was that a major ground operation would risk miring ourselves more deeply without fundamentally improving the situation. Hizbollah was the kind of nonconventional enemy I had in mind when I'd taken stock of Israel's changing security imperatives on becoming chief of staff. It was a small force, entrenched and well armed, increasingly supported by Iran and Syria. Its tactics rested on quick-hit attacks on our soldiers in south Lebanon. Far from fearing military retaliation, Hizbollah knew that short of a 1982-scale war – and maybe even then – it would survive. It also didn't care whether Lebanese civilians died in the crossfire. In fact, like the PLO fighters who had controlled the area before 1982, Hizbollah deliberately fired into Israel from civilian areas.

Neither Rabin nor I had abandoned the idea of a large-scale military operation at some point, particularly if the cross-border rocket fire didn't subside, which for a while it did. But we were determined that, if and when we did decide to strike, we would avoid anything on the scale of the 1982 war. It would have to be with a clear, finite and achievable goal.

That point finally arrived in the summer of 1993. In addition to renewed Katyusha strikes, there was a series of deadly Hizbollah attacks in the first two weeks of July inside the security zone. Each used what was becoming the tactic of choice: a remotely detonated bomb by the side of the road on which our military vehicles were travelling, followed by an ambush of soldiers who survived the blast. Six Israelis had been killed in all, making it the largest monthly toll in three years. When I went to see Rabin with our plan for a military response, I recognized the risks. It would be the largest military operation in Lebanon since the war. But I believed we could limit civilian casualties, and that it was the only approach that might lead to a significant reduction in the missile attacks on northern Israel. I began with the assumption that, left to its own devices, Hizbollah would have no incentive to stop firing. Since the two Arab governments with the potential to rein in the attacks – Lebanon's and above all Syria's – were showing no interest in doing so, we had to find a way to hold them to account.

The operation I proposed was intended to send a message to Beirut and Damascus. It would not be a ground invasion as in 1982. Most of the attacks would be from the air, in two stages. The first would target Hizbollah, both in southern Lebanon and in the Bekaa Valley further north, near the border with

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Syria. We could halt at that stage, in the unlikely event Hizbollah showed signs of de-escalation. But if it didn't, the air strikes would intensify. The aim was not target the nearly 250,000 Lebanese civilians who lived in the immediate border area. It was to use our attacks, along with leaflet drops and radio messages, to encourage them to flee north. My assessment was that this would bring pressure on the Lebanese government and, through the Lebanese, on the real power in Lebanon, the Syrians. I doubted Damascus would respond directly by telling Hizbollah to cease fire. I did believe they'd be ready to engage with American efforts to stop the fighting, and that Rabin and the government could then secure terms we were prepared to accept.

On July 25, we began our heaviest air strikes since 1982. Far from producing a sign of a climb-down by Hizbollah, it responded with intensified rocket fire. We escalated over the following 24 hours, but still with no indication of any change from Hizbollah. So as planned, we expanded our bombing to wider areas of south Lebanon. Sadly, some Lebanese civilians were killed, which I'm sure was a much greater cause of concern to us than to Hizbollah. Thankfully, however, the majority fled north. In south Lebanon, this meant that our jets and artillery had much greater freedom of operation against Hizbollah, which had now lost its human shields. In Beirut, a government suddenly overwhelmed with the need to provide shelter for the large number of refugees from the fighting did press Syrian President Assad to help bring it to an end. Critically, the new Clinton Administration, especially Secretary of State Warren Christopher, reinforced that message.

Our military operation lasted just a week. It did *not* end Hizbollah attacks on Israeli troops in the security zone, something I think even most Israelis were coming to realize was impossible as long as our soldiers remained in Lebanon. But the rocket attacks on northern Israel did stop, with very few exceptions, for a period that lasted nearly two years.

The intifada, however, had not stopped. Nor, as I knew from my increasingly frequent meetings with Rabin, had the search for a way both to control the violence, and seek out any realistic prospect of a *political* path to resolving our conflict with our Arab neighbors.

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Rabin had inherited a peace process, put in motion by the Bush Administration after the Gulf War. But since both Prime Minister Shamir and our Arab enemies had reasons of procedure, politics or principle to resist the talks, merely getting them off the ground had required the same combination of deftness and determination President Bush had brought to assembling his wartime coalition and defeating Saddam. After a formal opening session in Madrid, the "bilateral tracks" – between Israel and negotiators from Syria, Lebanon, Jordan and the Palestinians – had quickly stalemated and stalled.

Yitzhak came to office saying he was not interested in a peace *process*, which seemed to him a license for endless talk with no set endpoint, but in *peacemaking*. Since I had the good fortune to be part of the informal inner circle with which he discussed the potential opportunities, pitfalls and frustrations along the way, I know that he wasn't assuming we could necessarily achieve a peace agreement with any of our neighbors. But after the twin shocks of the Lebanon War and the Scud missiles, he was concerned that Israel would retreat into a mix of political caution and military deterrence which he rightly believed was short-sighted. He believed we needed at least to try to seize a "window of opportunity" with those enemies who were at least open to compromise, if only because we were facing new threats from enemies for whom talk was not even an option. An increasingly assertive Iran, with nuclear ambitions, was one. But the intifada had also thrown up new Palestinian groups grounded not in nationalism, but fundamentalist Islam: Hamas in Gaza, which opposed Israel's presence on any part of "Muslim Palestine," and Islamic Jihad on the West Bank. And in Lebanon, we were confronting the Iranian-backed Shi'ite militia fighters of Hizbollah.

Each of us in the small group on whom Rabin relied for input on the peace talks brought something different to the mix. In addition to me, there were four other generals: Uri Saguy, the head of military intelligence; Gadi Zohar, in charge of civil administration for the West Bank and Gaza; my own former sayeret deputy, Danny Yatom, who was head of the central command; and Rabin's military aide, Kuti Mor. Also included were longtime political and media aide Eitan Haber, and another trusted political adviser thousands of miles away: Itamar Rabinovich, our ambassador in Washington and Israel's leading Syria expert. But I'm sure we weren't chosen just for our insights. It was

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because we were people with whom Rabin felt *comfortable* – a counterpoint, I suspect, to the old Labor Party rival whom he had made Foreign Minister, Shimon Peres. Though the two men had grown to respect each another over the years, Rabin neither trusted, nor much liked, Shimon. In fact, though Peres's support inside Labor had secured him the foreign ministry, Rabin had stipulated that all peace talks would remain under his control.

Yet as I'd discover nearly a decade later, when I was Prime Minister, even the most carefully planned negotiating strategies were always subject to setbacks, diversions, or simply what former British Prime Minister Harold Macmillan once called "events, dear boy, events." Rabin's initial plan was not to start with the Palestinians. He did feel it was essential to try to reach a political settlement with them. In one respect, the prospects looked slightly better than before. Arafat's political position had been weakened: first by an intifada driven as much by local insurgents as by the PLO in faraway Tunis, and then by his decision to break with his longtime Gulf Arab financial supporters and support Saddam Hussein the Gulf War. In 1988, as the entry price for a formal dialogue with the Bush Administration, he had also agreed to a statement in which he renounced terrorism and accepted the principle of a two-state peace agreement with Israel. Still, there remained a yawning gap between the "self-rule" envisaged in the Camp David accords of 1978 and the Madrid conference, and the independent state the Palestinians wanted. Negotiations to bridge it were likely to be fraught and long.

So he'd decided to begin with Syria. President Assad was obstinate, and publicly opposed to the idea of making peace with Israel. But he'd been in power for more than two decades and, crucially for Rabin, had lived up to the few, indirect agreements Israel had made with him. The *substance* in any agreement, though politically difficult, was also more straightforward. We knew what Assad wanted: the recovery of the Golan Heights, in return for the absolute minimum level of political normalization with Israel. We knew what we wanted: security guarantees and assurances regarding water resources, and a full and final peace treaty. For Rabin, there was an additional attraction in beginning with Syria: if we *did* reach a deal with our main Arab enemy, the pressure would intensify on the Palestinians to follow suit.

The dramatic turn of events that ultimately forced him to change tack began in January 1993 in the sitting room of a villa outside Oslo, at an ostensible "academic seminar" convened by the Norwegian diplomat Terje Larsen. It included two Israeli academics with personal ties to prominent Palestinians:

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Yair Hirschfeld, and the historian and former *Haaretz* journalist Ron Pundak. Three PLO officials were there, led by Arafat's closest economic aide, Abu Ala'a. Though both of the Israelis were friends of Yossi Beilin, a protégé of Peres and our deputy foreign minister, even Peres didn't know about the meeting until Yossi told him the following day. Rabin knew an hour later. I first learned of it from Uri Saguy, after Unit 8200 intercepted Arabic-language traffic concerning a briefing the Norwegians had given their Arab contacts. At first, even Peres was skeptical that the paper agreed at the "seminar" – calling for international aid to the West Bank and Gaza on the scale of the Marshall Plan, and an initial Israeli withdrawal limited to Gaza – would lead to serious negotiations. But Rabin authorized follow-up sessions in mid-February, late March and again in April. Our intelligence teams continued to provide detail, and occasional color. Uri Saguy and I even began to use the Arabic shorthand, from the intelligence reports, for the two Israeli academics. The burly, bearded Yair Hirschfeld was "the bear". The slighter Ron Pundak was "the mouse". Yet the main *political* impetus in driving the process forward came from two men who were not there: on our side, Yossi Beilin, and for the Palestinians, Arafat's trusted diplomatic adviser, and eventual successor, Mahmoud Abbas, or Abu Mazen.

Since Rabin knew I was following the ostensibly secret talks, we discussed them often. For quite a while, he remained dismissive. He believed the chances of a breakthrough were remote. He was also suspicious of the involvement of Peres and Beilin, whom he called "Shimon's poodle". And he deeply distrusted Arafat. The PLO had been founded with the aim of "liberating" every inch of Palestine. The fact that Arafat had agreed to the Bush Administration's demand to accept the principle of land-for-peace struck Rabin as mere sleight-of-hand.

By the third Oslo meeting, it was clear that the Palestinians were open to an agreement that would fall well short of "liberating Palestine". Still, Rabin was leery. He tried briefly to return the focus to the stalemated Madrid-track talks with the Palestinians. Yet when, with obvious PLO encouragement, the Palestinian negotiators stood their ground there, he seemed almost resigned to supporting Oslo. When we discussed it, he used a battlefield metaphor. "When you have to break through, you don't necessarily know where you'll succeed. You try several places along the enemy's lines. In the sector of the front where you *do* succeed, you send in your other forces." It was a matter of "reinforcing success."

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"It's the *opposite* in this case," I replied. "In a battle, the enemy is doing everything it can to stop you. When you break through, it's against their resistance. Here, the other side will choose to make it easiest for us in the place *it* prefers. If Arafat thinks he'll get more from the Bear and the Mouse than from the other talks, it's hardly a surprise we're finding that only Oslo seems to offer a way forward."

Rabin did make one more move, not so much in a bid to end the talks in Oslo as to slow them down and create a context more favorable for the kind of agreement he wanted. He shifted his attention to his original peacemaking priority: the Syrians. In an effort to remove a roadblock to even beginning serious talks, he offered the Americans what they would later call his "pocket deposit." He authorized Secretary of State Warren Christopher to tell Assad that *Washington's* understanding of our position was that, assuming all our own negotiating concerns were addressed, we accepted that peace with Syria would include withdrawing from the Golan. The formula was agreed in a meeting in Israel between Rabin and the Clinton Administration's Middle East negotiator, Dennis Ross. Rabin didn't tell Peres or other ministers about it, though Itamar Rabinovich did know. I did as well. Since acceptance of the need for a withdrawal had security implications, Rabin and I talked about it in detail before Ross's visit. We formulated the "deposit" together. We used an English acronym: IAMNAM, "if all my needs are met." The point was to convey to the Syrian president that if he addressed our requirements for a demilitarized zone and early warning facilities; non-interference with our critically important water sources; as well as a full peace including embassies, open borders and joint economic projects, we knew the trade-off would be to return the Golan.

It was by diplomatic accident that the Syrian overture went nowhere. The reason even the Americans had called our proposal a "pocket deposit" was that it was to be kept in the Christopher's pocket, to be pulled out as *an American understanding* of our position if he felt it might lead to a breakthrough. Our intelligence accounts of the Christopher-Assad talks, however, suggested it had been presented as a straight message from Rabin to the Syrian president, giving it the status of Israel's new, formal opening position in negotiations.

The distinction may seem minor. But for Israel, it mattered greatly. In any agreement with Syria – or, indeed, the Palestinians – there was bound to an imbalance. Both parts of a "land-for-peace" exchange were important. But land was not just the more tangible asset. Once given up, short of resorting to all-out war, there was no going back. The "peace" part of the equation was more

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difficult. Genuine peace, and trust, would inevitably take years to reach fruition. That was no mere academic problem in a conflict where, for decades, our enemies had defined Israel's mere existence as illegitimate. The reason for Rabin's reluctance to have his "deposit" presented as a set negotiating position was that it meant dealing away our only card – territory – before the hard questions about peace had been answered. When he phoned Christopher, I don't think I've ever heard him as angry. That was *not* what we agreed, he insisted. He said it had spoiled any prospect of serious negotiations on the *peace* side of the balance. Christopher didn't agree there had been any real damage, nor that Assad had failed to understand the context.

It might not have changed things anyway, since by this stage, the Oslo talks had almost completed a draft agreement. In mid-August, Rabin gave Peres the go-ahead to initial this "Declaration of Principles." It provided for a period of interim Palestinian self-government; the start of a phased Israeli withdrawal from Gaza and the West Bank with the creation of a Palestinian police force to deal with internal security; and a commitment to reach a full peace agreement within five years. In early September, ahead of the formal signing of the Oslo declaration, there was an exchange of "letters of recognition" between Arafat and Rabin. Arafat's letter also renounced "terrorism and other acts of violence" and declared invalid "those articles of the Palestinian Covenant which deny Israel's right to exist." A few days later, the signing ceremony was hosted by President Clinton in Washington. Thus emerged the famous photo of Rabin and Arafat shaking hands, on either side of Clinton, who was beaming, arms outstretched in conciliation. They say a picture is worth a thousand words. In this case, you needed barely a dozen. Rabin's demeanor, his posture, the look on his face, all seemed to say: "I would rather be shaking the hand of anyone on earth than Arafat." Still, the image was on front pages worldwide. The news stories spoke of a new spirit of hope. Now that these old enemies had grasped hands, surely a full peace agreement was within reach.

My feeling, as I watched it on TV in the *kirya*, was more guarded. I did hope for peace, of course. I also recognized that the signing on the White House lawn was just a beginning, and that my role would be to ensure that Israel's security needs were met under whatever formal peace agreement might eventually be reached. And the security omens were hardly encouraging. Despite Oslo, Palestinian attacks were continuing. Hamas, Islamic Jihad, and other dissident factions saw Arafat's concessions as treachery, and were setting out to drive home that point with violence.

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Yet as I approached my final year as chief of staff in early 1994, we were suddenly confronted by an appalling act of *Israeli* violence: mass murder, committed by a West Bank settler. Terrorism, no less than the worst Arab attacks on Israeli civilians. The settler was named Baruch Goldstein, a physician, who lived in Kiryat Arba. One of the first post-1967 Jewish settlements, it sat on a hill outside the West Bank town of Hebron. At the heart of Hebron lay the burial place of the patriarchs and matriarchs of the Jewish faith: Abraham and Sarah; Isaac and Rebecca; Jacob and Leah. Since Abraham is also revered as a prophet in Islam and a mosque had stood on the site for nearly a thousand years, our post-1967 arrangements set out separate times of worship for Muslims and Jews. Goldstein chose to attack during a holiday period for both faiths: Purim for the Jews and the Muslim holy month of Ramadan. He arrived shortly after the Muslims' Friday prayers began on the morning on February 25. He was dressed in his reserve army uniform and was carrying an automatic rifle. He opened fire on a group of nearly 800 Palestinian worshipers. He had killed 29 and wounded 125 others by the time several of his intended victims knocked him unconscious and beat him to death.

I rushed to Sde Dov airport in north Tel Aviv, a few minutes from the *kirya*, and boarded a helicopter for the old British fort near Hebron, used by the Jordanians until 1967 and now Israeli headquarters. After visiting the scene of the killings, I sought out local Palestinian leaders, to voice my condolences and the sense of outrage I shared over what had happened, and to urge them to do all they could to maintain calm. I then went to Kiryat Arba and conveyed the same message.

Our immediate task was to prevent more deaths, on either side. It was a frustrating, and violent, week. Protests reminiscent of the first days of the intifada erupted around the West Bank, in Gaza, in east Jerusalem and in several Arab neighborhoods and towns inside Israel. While I had no trouble understanding the Palestinians' anger, I also had a responsibility to prevent the violence spiraling out of control. We turned to the same tools we'd used at the beginning of the uprising – though with even greater emphasis on the need for soldiers to use the only the necessary force to restore order, and to avoid causing fatalities wherever possible. We closed off the West Bank. We imposed curfews

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on the main West Bank and Gaza towns and refugee camps. We also imposed a curfew on Kiryat Arba and, for the first time, were given the authority to use administrative detention orders not just against Palestinians, but specific Jewish settlers. We arrested about a half-dozen leaders of Kach, the far-right, anti-Arab political movement founded by the American Rabbi Meir Kahane, of which Baruch Goldstein had also been a member. Still, there were repeated clashes anyway – and dozens of deaths as a result – before things finally began to subside a week or so later.

The massacre had made me feel more strongly than ever that our responsibility to protect the security of the settlers could not extend to allowing them to defy the government or the law. The principle would be put to the test within a few weeks. A settlement near Hebron, called Tel Rumeida, had been set up without government approval in 1984. As part of the response to Goldstein killings, Rabin was thinking of closing it down. That prompted a number of right-wing rabbis to issue a formal religious ruling against any such action. Rabin called me in to ask whether it would be operationally possible to dismantle Tel Rumeida and remove the settlers. I said yes, by sending in a Sayeret Matkal force after midnight, as long as news of the operation did not leak ahead of time. "We'll take over the area, close it off and get control." Given the tensions in the wake of the massacre, I did add that I couldn't promise that our soldiers would hold fire. "There are people in there with weapons," I said. "If someone shoots at *them*, they will shoot back."

"*Should* I do it?" he asked me. Maybe I should have given him an answer. But I didn't feel it was my place to add to the pressures around what was clearly a finely balanced call, especially since my inclination would have been to tell him to go ahead. I said it was something only he could decide. "What I *can* tell you is that we can do it." When I left, my sense was that he was sufficiently angry over what had happened in Hebron that he felt it essential to draw a line – the line of law – over what settlers were allowed to do. But the Passover holiday was now a couple of days away. I think what happened is that he realized the operation would not be possible until after the holiday period. By then, he was concerned he would have lost the clear political logic for moving against Tel Rumeida. The settlement has remained in place, a flashpoint in the conflict between settlers and Palestinians in the area around Hebron.

The wider repercussions, and the controversy, from the massacre reverberated widely. Rabin and his cabinet immediately decided to establish an inquiry, under Supreme Court Chief Justice Meir Shamgar. It would look into

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every aspect of the killings – including any failings by the army, the Shin Bet, the police or other authorities that might have allowed the tragedy to happen. The commission interviewed dozens of witnesses, Israeli and Palestinian, in 31 separate sessions. I knew early on that the inquiry would throw up difficult issues. I was especially upset to learn that two soldiers and three border guards scheduled for guard duty at the mosque had shown up late on the morning of the killings. By the time I testified in late March, the inquiry had heard from a range of senior and local commanders and individual soldiers. A picture had emerged of a series of security breakdowns, equipment malfunctions, oversights and confusion around the site where the murders took place.

I did not try to dodge the fact that security lapses around the Cave of the Patriarchs that day had contributed to what happened. In addition to the fact that the guard unit was not at full strength until after the murders took place, several of the security cameras weren't working. I acknowledged that if the cameras and the guards had done their job, at the very least some lives might be have saved. Yet I also made the point that this specific act of *mass murder* was something the army could not have anticipated. I told the commissioners to remember that they were judging things after the fact. They *knew* how the tragedy had ended. In the context in which we were operating, the prospect of an Israeli settler, a reserve soldier, walking into a place of worship and deliberately killing defenseless Palestinians had come as "a bolt from the blue."

The commission's report did not apportion blame to any of the army officers or commanders. But an inescapable conclusion from the testimony of the many witnesses was that the way in which we'd become conditioned to viewing the settlers had blinded us to the kind of crime Goldstein had committed. Even before I testified, I'd been disturbed to hear soldiers saying that even if they had *seen* him shooting a Palestinian, their orders were not to open fire on a settler, so they wouldn't have intervened. When asked about this by the commission, I said it was a fundamental misunderstanding of our rules of engagement. "In no case is there, nor can there be, an army order that says it is forbidden to shoot at a settler even if he is shooting at others... A massacre is a massacre. You don't need special orders to know what to do."

Yet I also knew that the soldiers' "misunderstanding" was all too understandable. As I acknowledged to the inquiry, the army on the West Bank and Gaza was predisposed to see Palestinians who were carrying weapons as potential terrorists, especially since the outbreak of the intifada. The settlers, by contrast, were assumed to be carrying arms in self-defense. One lesson I took

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from the massacre was that the mix of Jewish settlers, some of whom felt they were on a messianic mission to resettle all of Biblical Israel, and restive Palestinians who wanted sovereignty and control over their own lives was potentially toxic, for both sides. Ideally, the process which had begun with Oslo might start to disentangle it, though I remained far from confident that anything resembling full peace would come any time soon.

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Rabin, and even more acutely Shimon Peres, believed it was important to press ahead with the opening phase of the handover of Israeli authority mapped out by Oslo. In May 1994, a draft of the so-called "Gaza and Jericho First" agreement was completed. Once it was ratified, the five-year interim period would begin, with further withdrawals and parallel negotiations on the "permanent status" of the territories. In this first step, Israel would transfer civil authority in Gaza Strip and the Jordan Valley town of Jericho to the Palestinians, and local security would be in the hands of a newly created Palestinian police force.

My primary concern, and my responsibility, was the security provisions in the agreement, since the Israeli army retained its role in charge of overall security. When I went to see Rabin a few days before the cabinet meeting to approve the Gaza-Jericho agreement, I told him I was worried that it left room for potentially serious misunderstandings, friction and even clashes on the ground. There was no clear definition of how our soldiers would operate alongside the new local police in the event of a terror attack, violence by Hamas or Islamic Jihad, or, for that matter, a car crash involving an Israeli and a Palestinian. He agreed this needed to be addressed, although it was clear he intended to do so with Arafat, via the Americans, not by reopening and delaying the formal agreement.

But I had a deeper concern about the entire Oslo Agreement, which I also now raised with Rabin. I did not doubt the importance of reaching a political agreement, and ideally a peace treaty, with the Palestinians. But I'd now read the Oslo Declaration in greater detail, and discussed it with lawyer friends of mine. I'd also re-read the 1978 Camp David framework on which the self-rule provisions were based. The endpoint was pretty clear, just as it had been at Camp David: Palestinian authority over the West Bank and Gaza, defined as a

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"single territorial unit" under Oslo. In essence, and very probably in name, this meant a Palestinian state. I wasn't opposed to that in principle, if it was in return for a full and final peace. But the Oslo *process* meant that we would be handing back land, and control over security, in an ever-larger portion of territory *before* we'd reached any so-called permanent-status agreement. In fact, before we even knew whether that would prove possible. It wasn't "land for peace." It was land for the promise, or maybe only the hope, of peace. It was the same problem Yitzhak had faced over the Americans' misuse of our "pocket deposit" on the Golan. I realized that, having come this far with Oslo, neither he nor the government was likely to back away from approving the Gaza-Jericho accord. But he did say he thought the points I'd raised were important, which I took as meaning he was comfortable with my raising it with the cabinet.

I spoke near the end of the four-hour cabinet meeting to ratify the Gaza-Jericho plan. The ministers seemed attentive as I ran through the security concerns I'd raised with Rabin, even nodding when I compared the agreement's security provisions to "a piece of Swiss cheese, only with more holes." But then I said that I wanted to say a few words which I recognized were beyond my responsibility as chief of staff. "I'm speaking just as an Israeli citizen," I told the cabinet, "and as a former head of military intelligence." Referring to specific provisions in Oslo, and in the Camp David framework agreed by Begin and Sadat 15 years earlier, I said it was important for ministers to realize that, even though permanent-status issues were yet to be resolved, "you will be taking us nearly the whole way toward creating a Palestinian state, based on the internationally accepted reading of Camp David." The reaction to my comments was a mix of defensiveness and hostility. In the latter camp were ministers from Rabin's left-wing coalition partners, Meretz, who seemed especially angry when I quoted from Camp David. The Prime Minister motioned them for calm. "Ehud had a responsibility to talk about security questions, and we had a responsibility to listen. As for his additional remarks, they are not a surprise to me," he said. "He made these points to me, and I said he could repeat them here. It is right that he should raise them." He said there was no need for ministers to agree with me, but that it was proper that the points I'd raised should be heard.

Many clearly *didn't* agree with me, or simply believed the Gaza-Jericho agreement still had to be ratified, which it was. But my remarks did lay the groundwork for my objection to the next, more far-reaching stage in the Oslo process barely a year later. By then, I was no longer chief of staff. I was a member of Rabin's cabinet.

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It was still my responsibility to ensure that Gaza-Jericho was implemented, and that the initial withdrawals and redeployments went ahead smoothly. And they did. But I also was soon playing a part in a renewed effort by Rabin to use the momentum of Oslo to achieve peace agreements with our other Arab neighbors: the Syrians, although he knew that would be tough, and first the Jordanians. I would always have had some role, by virtue of the need for a chief of staff to weigh in on security issues. But as Yitzhak had done from the start, he involved me and others in his inner political circle in wider discussions on the whole range of negotiating issues. Especially after Oslo, he seemed determined to keep Peres's role to an absolute minimum.

No peace talks are ever completely straightforward, but the process with Jordan was very close to that. The main issues on the Jordanian side involved ensuring a proper share of scarce water supplies; and dealing with Israel's *de facto* control of a fairly large area near the southern end of our border. A number of kibbutzim and moshavim were farming the land there. But under the post-1948 armistice, it had been allocated to Jordan. Israel's priorities were to put in place a fully open relationship of peace and cooperation, and to get assurances Jordan would not allow its territory to be used by Palestinian groups to launch terror attacks.

I was struck by how much more easily compromises can be found if you truly trust the party on the other side. From my earlier meeting with Hussein in England, before the Gulf War, I'd been impressed by the king's thoughtful and measured, yet warm and open, demeanor. That, in itself, inspired trust. But ever since 1967, even in times of high tension, Israel and Jordan had kept open secret lines of communication, and both sides had generally demonstrated a shared desire, and ability, to steer clear of conflict. The main trade-off in the search for a formal peace turned out to be not too difficult. We agreed to ensure water provision, and to accept Jordanian sovereignty over the 1949 armistice area, in return for which the king allowed the Israelis who had been working the land to stay in place as lessees. On the final Wednesday of October 1994, near our border crossing in the Arava desert, I watched as Rabin, King Hussein, and President Clinton formally seal the full "Treaty of Peace Between the State of Israel and the Hashemite Kingdom of Jordan."

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Syria was always going to be harder. But Rabin had moved past his anger over the "pocket deposit", and we began a new effort via the Americans. Our aim was to lay out a comprehensive, staged proposal to trade nearly the entire Golan for peace. With Rabin, Itamar Rabinovich and the rest of the team, we put together a framework limiting Syria's military presence on the Heights. We envisaged phasing out the restrictions as Syria took steps toward the kind of peace which had proved possible with Egypt and Jordan. But indirect exchanges in the autumn of 1994 produced little progress. In December, Rabin proposed to the Americans that I meet with a Syrian representative, and President Assad agreed. Later that month, I was sent to Washington for talks with Syria's ambassador, Walid Muallem. With the Americans' Mideast envoy, Dennis Ross, as host, we met in Blair House across the street from the White House.

I began by explaining the security provisions we envisaged for the Golan, which included early-warning provisions, force limitations and other means of safeguarding Israel against any surprise attack. Muallem's response was formulaic, almost icy, with no indication he was ready to discuss any of the specifics, much less offer ideas of his own. But then Dennis led us out into the garden, where the atmosphere, if sadly not the weather, was a bit warmer. I told Ambassador Muallem I believed Israel's issues with Syria ought to be resolvable. Both sides understood the broad terms of an eventual peace. But we needed a context of *trust* in which to negotiate. President Assad, and we as well, were always going to be reluctant formally to commit ourselves to a position until *each side was be satisfied that the other side understood its core needs*. Politically, both sides also faced constraints. "In formal meetings, a record is taken and negotiators have to explain and justify every last word back home," I said. "I think our negotiators can get further in conversations like the one we're having now." Though Muallem nodded agreement, he did not explicitly say he believed that informal exchanges were the way forward. Still, he did obviously pass back a broadly positive message to Damascus. Before the Blair House discussion, our understanding had been there would probably be a kind of mirror arrangement for a follow-up meeting: between *our* ambassador in Washington, Itamar Rabinovich, and a high-ranking army officer from the Syrian side. Instead, we received word that Assad wanted me to meet directly with General Himat Shihabi, who was not only my counterpart as Syrian chief-of-staff but Assad's oldest and closest political ally and the effective number-two man in the régime.

General Shihabi and I met over a period of two days at Blair House. He had greater authority, and thus a greater sense of self-assurance, than the

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ambassador. But not for the last time in negotiations with Syria, any real progress was blocked by an apparent combination of misunderstanding and miscommunication. The discussions were lively. Shihabi had served as Syria's liaison officer with the UN force set up along the cease-fire line after the 1948 war. "Go check with the UN," he said at our first meeting. "You'll see almost all the exchanges of fire in the late 1950s were provoked by Israel." I didn't respond directly, though I did note it was the Syrians who had tried to divert water from the Jordan River in the early fifties. "You did it first," he retorted. So it continued. Only later did we learn that while Muallem had sent back a generally encouraging impression from our garden talks, and his conclusion that Israel was ready for substantive talks, he had neglected to convey our expectation that any early progress would occur in *informal* exchanges. The result was probably to raise General Shihabi's expectations, which made him reluctant to show any real engagement. After a phone call with Rabin after our first day of talks, I became equally cautious. He agreed that we wanted to avoid a repeat of our experience with the Golan "deposit". We did not want to put concessions on the record before we got an indication that the Syrians were genuinely ready for peace talks.

Still, the fact that we'd established the precedent of a "chief-of-staff channel" was a step forward. My successor as *ramatkal*, Amnon Lipkin, would meet again with Shihabi in early 1995.

* * *

I was confident Amnon was inheriting an army stronger, better prepared and better equipped than at any time since the Six-Day War. We also had peace treaties not only with Egypt, but now Jordan, and none of the substantive issues with the Syrians seemed insurmountable.

But the main security challenges were the unconventional ones. In the long term, a resurgent Iraq, and very likely Iran, might make strides towards getting nuclear weapons. There was every sign that Hizbollah in Lebanon; and Hamas, Islamic Jihad and their supporters in Gaza and the West Bank, would escalate violence and terror. As the negotiations with Jordan were entering their final phase in early October, a further Hamas attack – this one, a kidnapping – had brought home that threat. On Sunday, October 9, Hamas men dressed as Orthodox Jews abducted an off-duty soldier named Nahshon Wachsman near

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Lod. Two days later, Israeli television received a videotape showing the 19-year-old, hands and feet bound, pleading for his life in return for the release of the founder of Hamas, whom we had arrested and jailed in 1989. "The group from Hamas kidnapped me," he said. "They are demanding the release of Sheikh Ahmed Yassin and another 200 people from Israeli prison. If their demands are not met, they will execute me on Friday at 8 pm."

As soon as we got word he was missing, I spoke to Rabin. Since we assumed he was being held in Gaza, I ordered a unit from Sayeret Matkal to head south and co-ordinate efforts to locate him with the Shin Bet and the southern command. But it gradually became clear he might be much closer to where he'd been seized. The Shin Bet got a description of the kidnappers' car, and found it was a rental that had been picked up and returned in east Jerusalem. They tracked down the man who rented it. A little before dawn the morning of October 14, barely 12 hours before the Hamas deadline, Shin Bet established that Wachsman was being held in a village on the road to Ramallah, north of Jerusalem, in a house owned by a Palestinian who was living abroad.

The hostage soldier's ordeal was made even worse by the fact his mother, Esther, was a Holocaust survivor, born in a displaced-persons camp in Germany at the end of the war. Rabin had been ready to approve a rescue attempt from the outset, assuming we could locate Wachsman and come up with a plan that might work. But as with Entebbe, he said that if we couldn't be reasonably confident of success, we would negotiate. Now that we knew where Waschsman was being held, I ordered Shaul Mofaz, the commander with responsibility for the West Bank, to prepare for a possible rescue.

Before going to brief Rabin, I arranged for another commando unit to begin visible preparations for an operation in Gaza, in an effort to reassure Hamas we still believed he was being held there. Assuming we could retain the element of surprise, there were several things working in our favor. The house was relatively isolated. It was in an area where Israel, not the incipient Palestinian authorities, still had control. And Sayeret Matkal had expertise and experience in this kind of mission. Still, no plan could be foolproof. I told Rabin that the fact Hamas was holding a single hostage meant that if our assault teams were delayed for any reason at all, the kindappers might kill him before we got in. But I said we had to weigh the risks of *not* acting. We were no longer trying to find a missing soldier. We knew where he was. We had a unit ready. Unless Hamas relented, he was facing death within hours. In those circumstances, the

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precedent of doing nothing would, in my view, be very serious. I recommended that he approve the operation, and Rabin agreed.

I attended the final briefing shortly afterwards. I was impressed by the determined faces of the men in the two sayeret teams. One of the officers was 23-year-old Nir Poraz, whom I remembered from operational briefings in the *kirya* on previous sayeret missions. Wachsman was being held in a room on the first floor. The commandos would simultaneously detonate explosives on three doors: at the front, on the side, and a third one leading through a kitchen to the room where the kidnappers had their hostage. The attack began fifteen minutes before the Hamas deadline. The explosive charges went off, but only the one in the front blew open the door. Poraz and his team rushed in, but one of the kidnappers opened fire, killing him and wounding six others. The other team had by now made it to the first floor. But despite firing at the metal lock, they had trouble getting the door to open. By the time they got in, Wachsman had been killed, shot in the neck and chest.

I was in the command post a few hundred yards away. I called Rabin and then went to see him in the *kirya*. The head of personnel for the army had gone to see the Wachsman family and break the news to them. Now, we had to tell the country. Rabin and I appeared on television together. Rabin insisted – wrongly – on saying he bore full responsibility. What had gone wrong, I had tried to impress on him, was not the *decision* to attempt the rescue. It was the rescue itself. That was not his responsibility. It was mine.

The next day, I visited Wachsman's parents, and tried to convey how painful the failed rescue was to me, Rabin and every one else involved. I was inspired and humbled by their response. His father had told a reporter he wanted to convey his condolences to the parents of Nir Poraz. "This added loss has shaken me terribly," he said. He told me he also believed that the Prime Minister had approved the rescue using his best judgement on the information that he had available. I spent time separately speaking to Mrs Wachsman. I tried to explain that in fighting an enemy like Hamas, people who not just threaten to kill but had proven they had no hesitation in doing so, I'd felt there was no choice but to attempt the rescue. I admitted we'd known the risks. But we'd tried to do the right thing, both for the country and her son. I think she understood, though I knew that nothing could alter the terrible sadness of her loss. The pain would take years to heal. Some part of it never would. Still, I felt it was important she and her husband know that we, too, felt their loss. For years afterwards, Nava and I continued to visit them.

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By then, however, I was no longer chief of staff. In fact, barely ten weeks after the kidnapping, I handed over to Amnon Lipkin. I left the *kirya* proud of all I had sought to accomplish during my 36 years in uniform. I also realized there had also been failures and setbacks, none more painfully fresh than our inability to rescue Nahshon Wachsman. But I was about to find that the area of Israeli life which I now chose to enter – national politics – could be a battlefield as well. And that when trouble hit, even your allies sometimes ducked for cover.

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Chapter Seventeen

It was an ambush. It came in July 1995, six months after I'd left the army and only days before I was expected to named as Interior Minister in Yitzhak Rabin's government. The effect, and clearly the intention, was to threaten my political career before it had even begun – by reviving, and lying about, the tragic training accident at the Negev army base of Tze'elim, during our preparations for the operation against Saddam Hussein.

When the "story" broke, I was nearly five thousand miles away. I was accompanying Nava's brother, Doron Cohen, on a business trip he was making to China – and savoring my last few days as a private citizen between my three decades of military service and my entry into politics. I'd got a hint of the storm that was about to engulf me a few days before we left for the Far East. It was a letter from a reporter at *Yeidot Achronot*, Israel's largest-selling newspaper, with a list of questions about Tze'elim. The thrust of the questions made clear the case Yediot seemed intent on building: that after the live missile strike which killed the Sayeret Matkal men, I had abandoned the injured and immediately "fled" to Tel Aviv. I probably should have answered the letter. But I assumed even rudimentary checks would reveal the story to be false. I'd had similar questions from a TV journalist a few months earlier. I did phone him back. I explained the true details of what had happened. I suggested he talk to others who were there, like Amnon Lipkin, the current chief of staff and my former deputy, to confirm my account. The story was dropped.

But *Yediot* evidently decided not to let the facts get in the way of the "exclusive" it ran in its weekend edition on July 7. Under a banner headline – an undeniably clever Hebrew pun, *Ehud Barakh*, "Ehud Ran Away" – it accused me of having stood by, paralyzed with shock, when the missiles struck and then, as other officers tended to the wounded, rushed away by helicopter.

Doron and I were having dinner in Beijing when Nava phoned. She'd just seen the newspaper story, and read it to me. I'd never been angrier. As best I could work out, it had been concocted from a patchwork of accounts long after the fact. To the extent the notion of my "fleeing" had been raised, I could only imagine that *Yediot*'s "sources" had misunderstood the arrival of the first medical helicopter, when the pilot was unable to see us and flew on before returning a couple of minutes later. But in every single detail about my actions after the tragedy occurred, it was a pure and simple lie.

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I was not just angry, but frustrated at my inability to rebut the story in person. Doron and I immediately made arrangements to return to Israel early, which, since there was no direct air connection, meant finding the first flight out through London. But before we left, Nava phoned again, almost sputtering in fury. She told me that she'd just received a call from Aliza Goren, Rabin's media spokesperson. "Does Ehud know about the *Yediot* story?" she'd asked. When Nava said yes, Aliza told her: "It is important that Ehud knows that we are not going to get involved in getting him out of this."

Welcome to politics, I thought. Rabin knew that the story was untrue. I'd still been in Tze'elim when I'd phoned him about what had happened. He knew I'd remained there to order in the medical helicopters and arrange for the evacuation of the wounded before returning to brief him. Still, he did not say a single word in public – nor, for that matter, speak to me – as the controversy continued to gather force.

During our stopover in London, I sat with Doron and talked through how to get my voice heard. I telephoned Yoni Koren, the officer who'd been my top aide in the *kirya* and whom I'd asked to work for me in the Interior Ministry, assuming I now actually got there. I told him to phone Amnon Lipkin and say that I had expected him to answer the fabrications. Not only had he and I been at the site of tragedy together. We'd *left* together, on the same helicopter. Amnon did now issue a statement saying that he knew *Yediot*'s allegations were wrong. But the story had been allowed to stand for too long. His rebuttal caused barely a ripple.

As I read the latest Israeli newspapers before landing in Tel Aviv, I found that at least I wasn't totally on my own. Reporters had been phoning politicians for comment. Most responded like weathervanes, going with the prevailing wind, which was gusting against me. But three Knesset members dissented. One was Ori Or, a friend even before we'd both gone into the army, and who had now joined Labor. The other two were leading members of Likud: Dan Meridor and Benny Begin, Menachem Begin's son. All three said they were sure the allegations were false. Did they know the details about the accident, they were asked. No, they replied, they didn't need to. They knew *me*.

Now all I had to do was convince the rest of the country. It had been nearly a week since the Yediot's "exposé". It was Yoni Koren who passed on a request from Channel 1 television, our equivalent of the BBC. They were proposing that I appear with Nissim Mishal, the man who had interviewed me 10 years earlier, at the urging of Rabin's political aide, on my first TV appearance. For Mishal,

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the interview would be a journalistic coup. For me, it was a risk. He was a famously combative questioner, a bit like Sam Donaldson at White House briefings, or Jeremy Paxman and John Humphreys in Britain.

On the night of July 13, I drove to the television studio in Tel Aviv. Mishal confronted me with *Yediot*'s version of events. I was angry, and showed it. "This report was not some night editor's mishap," I said. "It was authorized by the highest levels of a mass-circulation newspaper which is power-drunk, corrupted by power, and manipulative. The so-called 'story' was an amateurish and distorted depiction of a chief-of-staff who sees wounded soldiers, turns his back, deserts them and flies away. That is an evil, vain falsehood." As Mishal pressed me about the allegation that I had fled, I cited, by name, other officers who had been there with me and had confirmed precisely the opposite. I had left Tze'elim, along with Amnon Lipkin, a full *50 minutes* after the missiles struck, I said. And only *after* the helicopters had arrived, the injuries had been treated and the choppers were evacuating the wounded. "A chief of staff's job is not to treat the wounded, when others are doing that already," I added. My responsibility was "to keep my head, and ensure a safe and speedy medical evacuation." That was what I'd done. "I've given years of my life to serving this country," I said. "I have been shot at. I have shot men dead from as close as I am to you now. How did the hand that wrote these things against me not tremble?"

It was certainly high drama. But it was not an act. The way that I'd gone after *Yediot* prompted some pundits to suggest my skin was too thin. One commentator even said I was obviously not suited to politics. Yet what mattered most to me was what the *rest* of Israel felt: people who were not reporters or editors, commentators or politicians. Opinion polls the day afterwards showed that something like 80 percent of Israelis believed what I'd said. I think this was only partly due to the details of the argument I made. When you're under such close, direct scrutiny, I'm sure viewers have an innate sense of whether what they are hearing is the truth.

Almost as soon as I'd got home from the interview, the phone rang. It was someone who, of course, already knew it was the truth: Yitzhak Rabin. "Ehud," he said, "you did well. Let's move forward."

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I later worked out why he'd wanted to steer clear of the whole thing. *Yediot* had been planning the story for months. It had been ready to go with it earlier, when it was assumed I would be joining the government as early as April. The editors had held it to coincide with my arrival as a minister. That, I suppose, was simply what newspapers did. But it turned out that at least two influential Labor politicians had played a part in steering *Yediot* toward the story, and urging the newspaper to run with it: Haim Ramon, a veteran party figure and cabinet minister, though he'd quit the government the year before over the party's failure to follow through on health-policy reform; and Shimon Shevess, one of Rabin's top advisers. Ramon would later say that they hadn't wanted to "*kill* Barak" as a new minister. "Just fire some bullets at this legs, so he'll enter politics with a limp." It was a way of cutting me down to size.

I suppose that was understandable. I was by no means the only former general to enter Israeli politics. Other chiefs-of-staff had gone on to play prominent roles in government: Dayan, Motta Gur and, of course, Rabin. But the fact that I was going directly into the cabinet, and so soon after leaving the army, was seen by the Israeli media – and a number of Labor politicians – as a reflection of my close relationship with Rabin. Some commentators had even been speculating I might eventually be a candidate to succeed him as party leader and Prime Minister.

It was true that Rabin had personally urged me to join the government, starting with a lighthearted remark only days after I'd ended my term as chief of staff. It was at a farewell organized by my staff. The event began with film clips from my years in the army, and a series of entertaining cameos from men I'd served with and led. Rabin spoke at the end. He said he'd recently been on an official visit to South Korea. He'd met the president, who told him he was the first Korean leader not to have been an army general. Rabin said he'd replied that *he* was the first Israeli Prime Minister who *was* a general. Then, smiling and looking straight at me, he added: "*Nu*, Ehud?"

I did want to join his government. But I had been in the army since the age of seventeen and was now in my early fifties. For my family's sake, as well as my own, I had figured on taking a year or two to explore other things. Two options appealed to me especially. One was business. My brother-in-law, in addition to having a successful law practice, was involved in a number of business ventures, and we'd discussed areas we might jointly explore. But I had also received offers from think tanks in the United States.

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Despite Rabin's quip about ex-generals and Prime Ministers, I was surprised when, a couple of days later, he asked me to come see him. He smiled as I entered his office. Then he said: "Ehud, now that you are out of uniform. I would be glad to see you come into politics, together with us, and be a member of the government." He said he'd discussed it with Peres. "It's a joint invitation." Though I did, of course, say yes, I also told him I was planning to take some time off, probably at first with a think tank in the US. Though I wasn't exactly sure about the legal provisions for officers leaving the army, I reminded him that there was a set period of time during which they could not enter politics. He replied, a bit enigmatically, that he would be sending an "operative" to talk to me further about the timing.

The operative was Giora Einy, a uniquely important figure in Labor because he was trusted both by Rabin and Peres. I liked him immediately. Throughout my years in politics, I would come to rely on him for his experience, good humor and good judgement. He did know about the rules for former army people going into politics: there was a 100-day moratorium. "Rabin wants you immediately," he said. "I guess we'll tell him that 'immediately' will have to mean sometime in April." In fact, I told Giora that I'd hoped it would be much longer. So we agreed that in order to give me at least a few months in the US, he'd tell Rabin he could get in touch at any time from March 1996 with his invitation to join the cabinet. As soon as he did so, I would formally cut my ties with the military, meaning I could join the government in the summer.

Nava, the girls and I left for Washington in January. I joined the Center for Strategic and International Studies and was given the delightfully overwrought title of Distinguished Visiting Statesman and Senior Associate. The reason the CSIS had invited me was to write and speak on the Middle East. About two months in, I presented a paper. I began by welcoming the constellation of changes which seemed to offer at least an *opportunity* for stability, security and peace: the unravelling of the Soviet Union; the Oslo Agreement; the peace treaty with Jordan and the continuing talks with the Syrians. As long as we had partners committed to reaching an agreement, I believed Israel would be ready "to consider major compromise and to take upon ourselves significant calculated risks." But with a frankness which seems surprising even to me in retrospect, I delivered much the same message as I had to ministers on the potential dangers inherent in the Oslo process as we moved forward.

I pointed out that Arafat had made no move to rein in groups like Hamas, and that more Israelis had actually been killed by terror since Oslo than in the

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year before. "We signed a three-phase contract with Arafat," I said. "Try to imagine one of you selling me three pieces of property. If I fail to pay for the first one on time, you might not immediately cancel the contract. You might even be ready to help me collect the necessary money. But you would never proceed to deliver the second property before I paid for the first one, unless you were a fool." I also warned of longer-term dangers: "terrorism, radical Islamic fundamentalism, the proliferation of surface-to-surface missiles and weapons of mass destruction, and threats to the long-term stability of the more pragmatic Arab regimes." I singled out Iran, because it was determined to export its brand of fundamentalism Islam, sponsor terror and develop a nuclear weapon.

I also accompanied CSIS colleagues on speaking engagements to other American cities. I was about to board a flight to Seattle in April when I got a message saying Rabin wanted to talk to me. After we took off, I used the on-board phone facility and, with a swipe of a credit card, was soon on the line to the Prime Minister. Since the exchange was in Hebrew, I'm fairly sure anyone overhearing me had no idea what we were talking about. "I need you to come back as soon as possible," Rabin said. I already knew, from Giora, that he was anxious to find a long-term replacement as Minister of Interior. The leading light in the Sephardi religious party Shas, Arye Deri, had had to leave the post under allegations of bribe-taking. After Rabin had taken on the portfolio himself four 18 months, he had placed Labor's Uzi Baram there, but only as a temporary arrangement. I didn't feel I could refuse outright. But I reminded him that under army rules, "as soon as possible" still meant another 100 days. And ideally, I said I wanted to finish the best part of a year in Washington. I asked whether it would be possible to join the cabinet in the middle of November instead. "What difference will a few more months make?"

Rabin said he needed me now, and that mid-November would be too late. "Ehud, in politics, you can never predict what will happen by then." Neither of us could have known how terribly prophetic his words would turn out to be.

* * *

I was not only new to cabinet politics. I wasn't even a member of the Knesset. But in addition to naming me as head of a major ministry – in charge of everything from citizenship and immigration to planning, zoning, and the funding of local government – Rabin made me a member of his "inner cabinet"

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on security and foreign affairs. Barely three weeks after I joined the government, we had to decide on the most important agreement with the Palestinians since Oslo. Dubbed Oslo II, it involved a major transfer of authority and territory. The process would begin with our pulling out from more than a quarter of the West Bank, including the major Palestinian towns and some 450 smaller towns and villages. After that, there would be three further redeployment phases, at six-month intervals, in so-called "Area C" of the West Bank – a mix of unpopulated land, settlements and a number of points we'd designated as strategically important. Under Oslo, and its parent agreement Camp David, it was all part of ensuring the Palestinians could exercise their "legitimate rights" in the "single territorial entity" of the West Bank and Gaza – in other words, a path to statehood. But only by the time the final three phases of redeployment were *complete* were we required to begin the "permanent-status" talks on issues like land and borders, Israeli settlements, the future of Jerusalem: the *real* core of a peace agreement.

By the time I joined the discussions on Oslo II in August 1995, the main points had already been agreed. Rabin was in favor, as were virtually all the cabinet ministers. Whatever scant influence I might exercise would have to come at the decisive cabinet meeting, set for August 13. From the objections I'd raised to the Gaza-Jericho deal as chief of staff, Rabin knew I'd be concerned not only to ensure the security provisions avoided potential misunderstandings on the ground, but about the longer-term implications, especially since the scale of the Israeli withdrawals was much larger this time. In fact, the agreement could be interpreted as requiring us to cede Palestinian control over virtually all of Gaza and West Bank by the end of the third redeployment phase –quite possibly before talks on the permanent-status questions had even *begun*.

I went to see Rabin a few days before the cabinet vote. I explained why I thought the agreement was flawed. I argued we should either delay some of our redeployments or bring the permanent-status negotiations forward. He listened to me. He barely spoke. He knew I'd be against Oslo II, and knew the reasons why. But we both knew something else: having been brought into government by Rabin, I would be expected, on a vote of this importance, to be in his corner.

The cabinet vote wasn't happening in a political vacuum. Likud's defeat in 1992 had meant the end of Yitzhak Shamir's leadership. The new Likud leader was the former Sayeret Matkal officer with whom I'd shared a newspaper cover in 1986 predicting that he and I would end up facing each other at the ballot box: Bibi Netanyahu. Positioning himself as the fresh young face of Israeli

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politics and vowing to defeat Labor, Bibi had seized on Oslo II to accuse Rabin of "surrendering" to Arafat, and by extension to Hamas terrorism.

I couldn't sleep the night before the cabinet meeting. I had no desire to be disloyal to Yitzhak. I certainly didn't want to add to the pressures on him, much less add further impetus to Bibi's rhetorical onslaughts. But the more I thought of it, the less I could see the point of entering politics if I wasn't going to vote with my conscience. The cabinet meeting lasted for hours. It was near the end that I spoke, calmly and in detail, about my reservations. Many of the ministers seemed barely to be listening. They'd long since made up their minds. But when I'd finished, two ministers passed me notes. Both said the same thing: Ehud, don't do anything crazy. Don't vote against it. So I didn't. But I couldn't vote for it either. I abstained.

Rabin was bitterly upset. He didn't tell me directly. But when the meeting broke up, his longtime political aide, Eitan Haber, took me aside to tell me how that what I'd done was "terrible". Giora Einy came to see me the next day, after Rabin had phoned him in a mix of anger and disbelief. "What *is* this," he'd asked Giora. "The first big vote, and Barak *abstains*?" It wasn't until a few weeks later that Rabin and I spoke alone, over a beer in his office. He didn't raise the question of the vote. So I did. "Yitzhak, I understand it's caused you pain," I said. "But I think you understand I was acting out of what is genuinely my belief and my position." I asked him why, unlike the other ministers, he hadn't passed me a note before we'd cast our votes. "Ehud," he said, "I never write requests or orders on how to vote. Ministers must vote according to their conscience." He didn't mean what I'd done was right. He meant my conscience should have told me, given the importance of the issue, to vote yes.

The tension between us did ease somewhat in the weeks ahead. But the tension *around* us escalated after the cabinet vote. Opinion polls showed the country split down the middle. Settlement leaders and extremist rabbis launched a campaign against the legitimacy of the government, and of Rabin as Prime Minister. Right-wing religious leaders issued a decree rejecting the planned redeployments on the West Bank – "the evacuation of bases and their transfer to the Gentiles" – as biblically prohibited. A new group called *Zu Artzenu* organized a campaign of civil disobedience to try to bring the government down.

The sheer venom hit home during a pair of events I attended with Rabin, to award of the status of "city" to towns which had crossed the required threshold in population and economic activity. By tradition, this was marked by a

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ceremony with both the Interior Minister and the Prime Minister present. The first was in Ofakim, near where I'd worked in the fields with Yigal Garber in the 1950s. Shortly after we arrived, a group of protestors started shouting at Rabin. *Manyac*, they yelled, "maniac". *Boged*: traitor. At the second event, near Haifa, busloads of protestors from right-wing religious schools shouted abuse at Rabin when he rose to speak.

As the Knesset vote on Oslo II approached, the hatred reached new levels. The day before, thousands of protesters packed into Jerusalem's Zion Square. Some shouted "Death to Rabin!" Others burned pictures of him, or passed out photos of him dressed in an Arab keffiyeh, or even a Nazi uniform. Bibi had publicly declared that opposition to the agreement must remain within the bounds of the law. Yet as he addressed the baying mob from a hotel balcony, he uttered not a single word of reproach. In fact, he called Rabin's government "illegitimate", because it relied in part on the votes of Israeli Arab Knesset members.

The day of the vote, the mob descended on the Knesset. Rabin had called a government meeting beforehand. When I got there, the crowd was so large that I was taken in through a special security entrance away from the front of the building. But the Housing Minister, Binyamin Ben-Eliezer, arrived late and tried to drive through the main gate. Protestors pounded furiously on his car and tried to break the windows. Our meeting had already begun when he arrived. He had spent nearly as long as I had in the army, but he was shaken. Interrupting Rabin, he banged his fist on the table. "I've been on battlefields," he said. "I've been shot at. I know how to read a situation. I *saw* their faces. It's insane! It is beyond anything rational, this kind of hatred." Pounding the table again, he shouted: "I warn you. It will end with a murder! It will end with a murder!" Rabin motioned for calm. He, too, was concerned by the rhetorical violence, even more so now that it was becoming *physical* violence. But as he would tell an interviewer a few weeks later, he simply didn't believe that "a Jew will kill a Jew." Nor, at that point, did I.

After the Knesset vote, which passed by a margin of 61 to 59, plans got underway for a rally in defense of the peace process, and against the tide of hatred on the right. It was the idea of two people: Shlomo Lahat, a Likud mayor of Tel Aviv who now backed Oslo, and a French Jewish businessman named Jean Frydman, a friend of Shimon Peres whom I had got to know and like. But in several of the early planning discussions in which I was involved, Rabin was against the rally, which was to be held in the huge Kings of Israel Square in the

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heart of Tel Aviv. He was worried that not enough people would show up, and that those who did would be from the left: Meretz, not Labor, people who would be there mainly to *criticize* him for not going far, or quickly, enough in pulling out of the West Bank.

In the end, he was persuaded it should go ahead. In fact, by the time the date approached – Saturday evening, November 4 – he seemed to be feeling more energized, and upbeat. I wouldn't be there, because I was going to New York as the government's representative at a fundraising dinner that same night for the Yad Vashem Holocaust memorial. A few hours before leaving, however, I met with Rabin. We'd found a 15-minute window in his schedule, but we ended up talking for an hour. He said he knew that, in some ways, the difficulties surrounding the peace talks were likely to get worse. Hamas would not abandon terror. The kind of intolerance we were seeing from the right wing was not going to go away. He was furious at Bibi, who in his view was hypocritically going through the motions of calling for restraint and pretending to be unaware that the mobs were full of Likud voters. "They're his people," he said, "and he knows it."

But he was relishing the idea of taking on Bibi in the next election, due in about a year's time. Though Rabin was trailing in the polls, he was confident of turning that around once the campaign began. "The main thing is that the party isn't focused. We have to get serious about preparing," he said. He was worried about the effect of inevitable tensions between his supporters and Peres's over how to run the campaign. "Bring back Haim Ramon," I suggested. I knew by now that Haim had helped orchestrate the false story which *Yediot* had run about Tze'elim. But I also realized he was a Labor heavyweight and that, although he'd left the government, he remained personally close to Yitzhak. "Yes," Yitzhak replied, nodding, suggesting that we talk through the idea in detail when I returned from New York.

I was in my room at the Regency Hotel, on New York's Upper East Side, when the phone rang on Saturday afternoon. I was dimly aware that the Tel Aviv rally had been going on back home, but was more focused on preparing my speech for the Yad Vashem event. "Ehud, *Ehud*!" It was Nava, her voice barely understandable through the sobs. "Rabin has been shot!"

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Danny Yatom called me a couple of minutes later. He said Rabin was still alive. But from the details he gave me, I knew it would take a miracle for him to pull through. "Three shots, from close range," Danny said. "From an *Israeli*, a *Jew*." Like Rabin, like me too until this had actually happened, it was something Danny was struggling to believe. He said that he'd call me back when he knew anything more. But I had the TV on in the room. Before he did, I watched Eitan Haber announce that Yitzhak Rabin was dead.

Although I hadn't known it until I'd arrived, Yossi Beilin was also in New York, for meetings and a speech of his own. Though he was a Peres protégé, and I was seen as closer to Rabin, the two of us had become friends. We immediately made plans to get the next flight home. But before leaving for the airport, I phoned Leah Rabin. However inadequate I knew it would be in helping her even begin to cope with the loss, I told her that my, and Nava's, thoughts were with her. That Yitzhak's death would leave a tremendous hole, in all of us, in every single Israeli. "They shot him," she kept murmuring. "They shot him. They shot him. They shot him." I called Peres, too. "Shimon, you have a mountain on your shoulders," I said. "But your task is to carry on. All of us will be with you, supporting, helping however we can."

It was the saddest flight I'd ever taken. Yossi and I barely spoke. Each of us was deep in thought. I found myself lost in memories of Rabin – from the very first time I'd met him, in the sayeret, to that last, long talk we'd had in his office a couple of days earlier. For some reason, I kept wondering whether, when the shots had been fired, he'd been turning to look behind him. It was an idiosyncrasy he had, whenever he was leaving a meeting or an event – even, as I now recalled vividly, when the two of us were leaving the municipal ceremony in Ofakim. I was behind him as we left. "Ehud," he said, turning back, "are you there?" It was a senseless detail. It wouldn't change anything. But I still felt torn up inside thinking about it.

After we landed at Ben-Gurion, I went with Nava to the Rabins' apartment in Ramat Aviv. There were hundreds of people outside, and nearly a hundred crowded inside the flat. Leah looked exhausted, her face ashen. "They shot him," she said over and over as Nava and I hugged her. "Three shots. In the back. *Why*?" I said there was no sane answer, but that with Yitzhak's death, Israel seemed different, the world seemed different, and emptier. Before we left, we added our candles to the forest of flickering memorial lights outside the apartment block. Then, we drove the Kings of Israel Square. Thousands of people were huddled in small groups throughout the plaza, sitting around

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thickets of candles and chanting, almost prayerlike, anthems of mourning and of peace.

For reasons I couldn't explain, I felt the need to see the place, near the front of the square, where Rabin had been murdered, by a 25-year-old Orthodox Jew and settlement activist named Yigal Amir. Standing there with Nava, I felt even more strongly what I'd told Leah by phone from New York after hearing Yitzhak was dead: his murder would leave a huge hole – in me, in all Israelis. He was an extraordinary mix of qualities: a brave officer, first in the pre-state Palmach and then the new Israeli army; a chief of staff and defense minister at critical periods in our history. Shy, even at times uncertain or hesitant, and naturally cautious. Decisive, too, when he felt that he, and Israel, needed to be: whether on Entebbe, or the prospect, with all its risks, of launching an operation to kill Saddam Hussein. Humane, too: ready to negotiate with terrorists to save the lives of those they were planning to kill, unless he was confident our soldiers could save them first. Underpinning it all was a dedication to fighting and defeating Isael's enemies, yet a mindfulness that the real victory, if and when it was possible, would be genuine peace with our neighbors. He and I had had differences over particular policies: leaving our troops in Lebanon, for instance, or more recently the architecture of Oslo. But I never doubted that we were lucky to have Yitzhak leading Israel on the inevitably fraught road to a negotiated peace. I never ceased to believe there was no politician more suited to the role: that he would do everything he could to achieve it, yet would step back if he saw that he was putting Israel's security at risk.

On Sunday evening, Peres called a cabinet meeting in the *kirya*. He said our task was to continue what Rabin had begun, and that at least for now he would fill Rabin's shoes not just as Prime Minister but Defense Minister as well. The whole country stood still, shocked, until the state funeral two days after the assassination. It was attended by dozens of leaders from around the world. My role was to escort King Hussein and Queen Noor. On our drive into Jerusalem, we passed the Old City walls. We were barely a mile from the stone terrace, above the Western Wall of our ancient temple, where the golden Dome of the Rock and the Al-Aqsa mosque stand. I knew Hussein had been there as a boy when his grandfather, King Abdullah, was shot and killed by a Palestinian amid rumors he was contemplating peace with Israel. Now, Rabin had been murdered, by an Israeli. "To me, it's like the closing of a circle," Hussein said. "Those who are murdered because they are not extreme enough. Because they look for normalcy, and peace."

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Yitzhak's murder had acted like a kind lightning strike, freezing Israelis in a mix of disgust over what had occurred and awareness of the dangers this brand of hatred and extremism posed. I was concerned the moment would be allowed to pass. My hope was that we could seize the opportunity to bring together all those Israelis – on left and right, secular and Orthodox, Ashkenazi and Sephardi – who were prepared to stand up against the fanaticism, the violent messianism, of which Yigal Amir was just a part. That was the main reason I wanted Peres to call an early election, an issue that would be discussed, off and on, over the next few months. I felt the time was right to present the country with a choice: not just between those for and against specific compromises being contemplated in pursuit of peace, but between those who wanted a tolerant, functioning democracy and those who were ready to use demagoguery and violence to get their way.

Peres's first order of business was to put in place a new cabinet. He did, briefly, consider giving up the Defense Ministry and putting me there. But instead, he made me Foreign Minister. Like Rabin before him, Shimon stipulated that he, as Prime Minister, would retain authority over the peace negotiations. Still, with his agreement, I was involved in all the discussions around the peace talks, and in meeting many of the Arab leaders we'd have to negotiate with if we were to find a lasting resolution of the Arab-Israeli conflict. Just a few weeks after the assassination, I represented Israel at a Euro-Mediterranean Partnership conference in Barcelona. Its only real diplomatic work consisted of ironing out the wording of the communique. The real value was in the corridors, and at the dinner held at one of King Juan Carlos's palatial estates, and, for me, a first opportunity to meet not only Arab foreign ministers but Yasir Arafat.

My first, brief encounter with Arafat began a bit embarrassingly. I'd arrived a few minutes early for the conference dinner and was led into an impressive hall that was almost empty except for a wonderfully cared-for royal Steinway. I sat down to play. Lost in the beauty of a Chopin sonata, I was completely unaware of PLO leader's approach behind me. A bit awkwardly, I rose to greet him. I grasped his hand. "It's a real pleasure to meet you," I said. "I must say I have spent many years watching you – by other means." He smiled. Our hosts had set aside time after dinner for the two of us to talk at greater length, with no aides present. But my hope was to begin by establishing simple, human contact; to signal respect; to begin to create the conditions not to try to kill Arafat but, if he shared the same goal, to make peace with him. "We carry a great

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responsibility," I said. "Both of our peoples have paid a heavy price. The time has come to find a way to solve this."

In the half hour we spent together later, I could see that, physically, the Fatah leader from Karameh was not just older. He had a frailty about him. His skin seemed almost translucent in places. His hands shook slightly, with the early signs of Parkinson's. He spoke softly. But despite this ostensibly vulnerable exterior, I could see how daunting, and frustrating, he must be a negotiating partner. Henry Kissinger has described how Mao Tse-Tung, rather than engage directly in discussion or debate, tended to wrap his remarks in parables. Without stretching the parallel too far, Arafat was like that. While I tried to engage him on how each of us might help cement the Oslo process, and ensure that the interim agreement indeed led to a full peace, he responded with stories, or off-topic remarks, which I was left to unwrap and decipher.

He began our discussion by saying that now that I was Foreign Minister, he was glad to meet me. He said that he'd heard "reports" from his intelligence people that when I was chief-of-staff, I had organized a kind of dissident band of generals who were working to torpedo the Oslo agreements. He compared this to the OAS, the military cabal in France that had opposed De Gaulle. I could only laugh. I told him I'd actually spent two months with OAS men years earlier, in Mont Louis, but that Israel was different. Even at times of the toughest of disagreements, we were a family. An "Israeli OAS" would never work, even if I had been crazy enough to contemplate such a thing. Which, I hastened to add, I was not.

There was another idiosyncrasy I encountered in Arafat. He was constantly writing notes as we spoke. I didn't mind that. But it did strike me as slightly diluting the kind of frankness and openness I would find in most of the one-on-one meetings I went on to have with foreign leaders as Peres's Foreign Minister. Maybe he did it just as a kind of aide-memoire. But certainly in later meetings I had with him, it did have the effect to making me choose my words more carefully. That, I believed, reduced the prospect of exploring more creatively the boundaries of each of our official positions. It also helped Arafat to argue, as he did on more than one occasion, that Rabin, or Peres, or whatever Israeli interlocutor he chose to name had promised him such and such. He always implied this was based on his written record, though he never produced any evidence to that effect. He also never seemed to have recorded anything that *he* had promised Israelis.

I tried, with only partial success, to engage some of the other Arab foreign

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ministers when we'd arrived in the banqueting hall. I did have a good talk with Egypt's Amr Moussa, and the foreign ministers of Morocco and Tunisia. When I tried to start a conversation with Syria's Farouk al-Sharaa, however, he pointedly, though politely, said he felt that would not be appropriate. President Assad had broken off talks with us earlier in the year, insisting that we first commit explicitly to honor Rabin's "pocket deposit" on the Golan Heights. Still, in my formal remarks at the dinner, I urged both sides to resume our effort to negotiate an Israeli-Syrian agreement. Sharaa's response was, again, unencouraging. But I did notice, and take heart from, the fact that it was neither polemic nor overtly hostile towards Israel.

When I returned to Israel, I found that Peres, too, wanted to restart the negotiating process with the Syrians. The effort took on fresh momentum after a meeting at Peres's home in Jerusalem in early December, ahead of his visit to Washington for talks with President Clinton. Itamar Rabinovich and I had each met with him separately a few weeks earlier to brief him on how the talks with the Syrians had gone under Rabin, and why they'd reached an impasse. We emphasized Assad's insistence on a preemptive agreement on our leaving the Golan. Peres now came forward with a plan. It was the diplomatic equivalent of what the Americans, a few years later in the second Gulf War, would call "shock and awe." This was "dazzle and befuddle." As Peres explained it, we would flood Assad with proposals: not just on land or security, but everything from water and electricity to tourism and industrial zones. Assad was in personal control of the Syrian side of the talks. The mere volume, range and complexity of the simultaneous engagement Peres had in mind would, he hoped, dilute his focus on the Golan. "The best results are extracted from confusion," he said. Having watched President Assad operate for years, when I was head of intelligence and chief of staff, I said I was skeptical. I used the image of a bulldog. "It comes into your living room with one aim: to lock on to your ankle. You can throw fireworks, cookies, balloons, a tasty bone. But it's a bulldog. It's still going to move another step toward your ankle." For Assad, the ankle was the Golan.

I understood why Peres wanted to make a new effort to get peace with Syria. Obviously, it was something to be desired in itself. It would transform the terms of our conflict with the Arabs, and maybe even bring within reach the hope of ending it altogether. But there was a political consideration as well. For all his other accomplishments, Peres had a record of repeated electoral defeat as head of Labor. This next election would be the first held under a new set of rules. Instead of merely choosing lists of Knesset candidates, Israelis would cast two

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votes: one for a party list and one for a directly elected Prime Minister. This would be a *personal* test, an opportunity for Shimon to build on the still-tenuous achievement of Oslo and finally secure the endorsement of the Israeli people.

It seemed, for a while, I might even have a role. A few days later, Peres and I met again. In Israeli elections, the campaign manager is called head of *hasbarah* – media and public-information planning. He told me he still didn't know exactly when he would call the election. But he asked me to take on that role.

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Both Peres and I proved to be right about the Syrians. The negotiations did resume, and two rounds of talks were held at Wye River, on Maryland's eastern shore, in December 1995 and January 1996. They did focus on the whole range of issues in an eventual peace, just as Peres had hoped, and some progress was made in identifying areas of potential agreement. But the bulldog never took its eyes of our ankle. There was no escaping the fact that without addressing the question of our withdrawal from the Golan Heights, we weren't going to get to the next stage. So a decision had to be made.

Peres, no less than Rabin, knew what the trade-off would be. Israel needed a series of ironclad security arrangements, and a *genuine* peace, rather than just agreement to a cessation of hostilities. Syria would demand to get back all, or at least virtually all, of the Golan. Peres now focused on clarifying, in his own mind, whether we should be willing to agree to trade the Golan for a peace treaty. Our key meeting took place in early February, in the underground bunker in the *kirya*. Peres asked Amnon Lipkin, as chief of staff, and our other top generals for a presentation on their view of the security arrangements required with Syria under a peace deal. They recommended that Israel insist on keeping a sizeable part of the Golan, as well as a range of demilitarization provisions which reached pretty much to the edge of Damascus. I'd been asked for my view by Rabin when I was chief-of-staff. Obviously, from a purely military standpoint, the ideal situation would be to keep the whole of the Golan Heights. No chief of staff was going to recommend pulling out. But I'd always added a rider: to withdraw as part of a peace agreement, with all its other likely benefits, was not a *military* question. It was a decision for the government. The relevant question for a *chief of staff* was whether we could ensure the security of Israel if the government decided on a withdrawal, to which I answered yes.

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I suspect Amnon would have said much the same thing. But that wasn't the question he'd been asked. As the proceedings wound down, Peres looked glum. Maybe he was anticipating the potential leaks of army concerns about a Golan withdrawal if we did get closer to a deal, and the venomous political attacks he could expect from the right. Bibi's stated view on a deal with Syria at the time was that we could get peace *and* keep the Golan. It was classic Bibi, spoken with verve and conviction as if simply saying it would make it true.

When the presentation was over, Peres called us into a small room in the bunker reserved for use by the Defense Minister. As Foreign Minister, I was the only cabinet member with him – along with Uri Savir, Peres's senior deputy for peace negotiations and several other Peres aides. If there had been a discussion, I would have told him that as long as he felt the talks were progressing, he could ignore Amnon's presentation. If we didn't get a deal, it would be irrelevant. If we did, the military could find ways to deal with the security issues. But he just looked at us and said" "We're going for elections." A few days later, the date was set for May 29, 1996. Yet that would turn out not to be the end of Peres's doubts or difficulties. It was only the beginning.

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The first attack in the wave of Hamas suicide bombings destroyed a Jerusalem bus at 6:42 a.m. on February 25, 1996. It left 26 people dead, and nearly 80 injured from nails and shrapnel packed into the explosive charge. The second was near Ashkelon. The bomber, dressed in Israeli uniform, joined a group of young soldiers and blew himself up, killing one of them. A week later, a third suicide attack blasted the roof off a bus on the same Jerusalem commuter route, leaving 19 more dead. And on March 4, a 24-year-old Palestinian walked up to the entrance of Tel Aviv's busiest shopping center, on Dizengoff Street, detonated 30 pounds of explosives, and killed 13 people. At the bomb scenes, bloodied survivors and crowds of pedestrians surveyed a hellscape of twisted metal, shards of glass and mangled body parts. While most Israelis were too shaken to worry about the immediate political repercussions – and Bibi was careful, at least in the immediate aftermath, not to try to score political points –Peres's reelection campaign seemed to lie in tatters almost before it had begun.

The attacks were not a surprise. As I'd argued to the Washington think-tank audience before joining the government, the peace promise of Oslo had been assailed from the start by a new alliance of Islamist Palestinian violence: mainly Hamas, and Islamic Jihad on the West Bank. They saw Arafat as a traitor who had sold out to Israel. For them, the issue wasn't just Israel's capture of the West Bank and Gaza in the 1967 war. It was *1948*: they opposed any Jewish state, anywhere in Palestine. In a campaign of terror that made the first weeks of the intifada seem almost easy to deal with, they began sending self-styled holy warriors to murder Israeli civilians, and sacrifice their own lives, in the expectation of Allah's rewards in the world to come. During the two years following Oslo, they'd mounted ten suicide attacks, leaving nearly 80 Israelis dead. The attacks had actually stopped since the summer of 1995. But when the election date was announced – with Peres holding a roughly 15-per-cent lead in the polls – political commentators both in Israel and abroad began speculating about a resumption of terror. For Hamas, the election presented not just an opportunity to kill innocent Israelis but, by helping defeat Peres and Labor, perhaps to kill Oslo as well.

Even before the bombings, our campaign was struggling for focus, energy and even purpose, beyond the aim of getting more votes than Bibi Netanyahu. Despite

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Peres's assurance that I'd be the campaign manager, that hadn't happened. I wasn't really surprised by that, however. When he offered me the job, I wondered how he'd managed to clear it with much more established Labor politicians. It turned out he hadn't. Haim Ramon, the veteran whom I'd urged Yitzhak to bring back for the election, was put in charge. Shimon did ask me to head a small advisory team which reported directly to him, but all the key decisions were taken at weekly strategy sessions chaired jointly by him and Ramon. I still hoped to make the campaign a referendum on Yitzhak's murder, and on the need to recommit Israel to democracy and dialogue over vitriol and violence. But Haim began with the assumption that, given Peres's lead in the polls, we should simply play it safe, ignore the issue of the assassination, and try to ignore Bibi, too. He described it as a soccer match. We were leading by two goals, he told our first strategy meeting. The other side was never going to score unless we screwed up. "To win, we do what all good teams do. We play for time. We kick the ball around. We kick the ball into the stands. We wait for the final whistle." I tried, without success, to argue that we were underestimating Bibi. "He may be young and inexperienced in national politics. But I know him from when he was even younger. He knows how to analyze a task, break it down, work out a plan and execute it systematically and tenaciously. If we play it safe and don't *define* the campaign, he'll seize on every error we make and *he* will define it."

I wanted us at least to connect with Yitzhak's legacy. I argued to both Peres and Ramon that we should promote Shimon as the candidate with the background, experience and vision to take forward what he and Rabin had begun. I also wanted us to echo a core assumption in all that Yitzhak did as a military and political leader: that peace was achievable only if Israel and its citizens felt secure. Even before the renewed terror attacks, I argued that we had to recognize that, much as Israelis yearned for peace, many were conflicted and fearful about the Oslo process. I said our central campaign message should be *bitachon ve shalom*. Security and peace. "In that order," I added. "We should tell voters openly that we expect groups like Hamas to try to launch attacks. But they don't *want* a secure Israel. They don't want peace. *Don't play their game*."

Yet the scale and intensity of the bombings threw everything into crisis. After the bomb in the Dizengoff shopping mall, Peres called an emergency cabinet meeting at the *kirya*. He knew that we had to find a way to reassure Israelis we were getting a grip on the situation. We had got a start in our regular Sunday

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cabinet meeting the day before, by reviving an idea I'd supported under Rabin: to build a security fence all along the edge of the West Bank, with a series of controlled crossing points for people and goods. Yitzhak had said no at the time, because he was worried it would be seen as a *de facto* border and undermine the idea of building coexistence. My view then, and even more so now, was that we would never get to the point of negotiating a final peace with the Palestinians unless we could stop at least most of the terror attacks before they happened. Peres, too, had been worried about "undermining coexistence." But now, he and the rest of the cabinet were so shaken by the carnage Hamas had left that they approved the idea of a security barrier.

At our *kirya* meeting, hours after the latest bomb had exploded less than a mile away, Peres recognized we had to go further. Under Oslo, we had begun giving the Palestinians control over internal security in Gaza and parts of the West Bank. Since the new Hamas attacks, Arafat had been *saying* the right things. After the first bomb in Jerusalem, he'd phoned Shimon to offer condolences, telling reporters afterward that this was "a terrorist operation. I condemn it completely. It is not only against civilians, but against the whole peace process." Yet when it came to *action*, we saw no sign that he was willing, ready, or perhaps able to crack down on the Islamist terror attacks. So Peres now announced that, if necessary in order to detain known terrorists, we would for the first time send Israeli troops back into areas where control had been handed back. If Arafat didn't act, we would.

On the political front, Peres did get some good news: President Clinton, anxious to preserve the progress he'd worked so closely with Yitzhak to achieve, organized an unprecedented show of international condemnation of the terror attacks. With Egypt's Hosni Mubarak, he co-chaired a "Summit of Peacemakers" in Sharm al-Sheikh with the participation not just of an equally concerned King Hussein, and of course Arafat, but leaders of Arab states from North Africa to Saudi Arabia and the Gulf. The only significant holdout was Syria's Hafez al-Assad. He objected because he said the conference was too focused on Israel. As Foreign Minister, I accompanied Shimon to the summit. A single day's meeting was never going to end terror. But it was unprecedented in the breadth of Arab engagement in an initiative that, as Assad had anticipated, didn't just condemn terror in general. It specifically denounced the attacks being launched inside Israel.

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I'd met President Clinton briefly once before, when he received Syrian chief-of-staff Hikmat Shehabi and me after our Blair House talks in 1994. But the Sharm conference provided my first opportunity to spend time with him face-to-face. When Peres and our delegation were about to leave, a Clinton aide approached and said the President had asked whether I'd like to join him on the flight back to Israel. Though as surprised as I was by the invitation, Shimon nodded at me to signal it was okay, so I headed off for Air Force One. I spent most of the brief flight talking to the President in the office space carved into the middle of the plane. I would later discover that he quite often tried to engage with foreign leaders' colleagues or advisers on overseas trips, and not limit himself to summit negotiations. It was part of his voracious appetite for information or insights which he believed were essential to get a rounded understanding of the complexities of the issues he was trying to address. Still, it was an extraordinarily fascinating 20 minutes. I got my first real look at Clinton's natural gift for person-to-person politics, as well as his mastery of both the detail and nuance of Israel's predicament, and of the wider conflict in the Middle East. Looking straight at me, almost never breaking eye contact, he encouraged me to feel I had something of value and importance to share with him. In fact, he created the impression that I was the first sentient, intelligent human being he'd ever met. He made no grand policy statements. Mostly, he asked me questions: what were the prospects of Arafat reining in Hamas and Islamic Jihad? How were our relations going with King Hussein? What was my view of the chances of concluding a peace with Hafez al-Assad, despite his boycott of Sharm al-Sheikh? If Shimon did go on to win the election, what new diplomatic opportunities could he as president, and we, exploit in the search for peace? And, finally, what if *Bibi* won? I dare say this first meeting was more memorable for me than for the president. But it would turn out to provide a foundation for our joint efforts, in a few years' time, to resolve the very issues we'd talked about on Air Force One.

* * *

Though the summit restored a small opinion poll lead for Peres, that merely reinforced Haim Ramon's soccer-game strategy. I was more convinced than ever it was wrong. Haim still wanted to ignore Bibi, but I pointed out that for at least one

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reason, that was absurd. Near the end of the campaign, there was going be a head-to-head television debate. In the meantime, though Bibi might be many things, he wasn't stupid. He was already telling voters that while Peres was making deals with Arafat, ordinary Israelis were being left to wonder where the next terrorist would strike. He would surely ramp up the accusations that Peres was "weak on security," especially if there was more violence. To assume that if we just sat back we would win seemed to me complacent and risky. Yet when I mentioned to Shimon that a couple of our internal polls still actually had Bibi slightly ahead, he just laughed. "I have good polls," he said. "Why should I believe the bad ones?"

Then, however, violence intervened again. It was not Hamas this time. Beginning on March 30 and escalating sharply 10 days later, Katyusha rockets rained onto towns and settlements in northern Israel by Hizbollah – the first sustained attack since the cease-fire in 1994. It was pretty obvious that, like Hamas, the Iranian-backed Shi'ite militia in Lebanon was not just targeting Israeli civilians, but Oslo, and Peres's chances of winning the election. The last thing Shimon wanted was for tens of thousands of people in the north of Israel to be cowering in shelters during the final stretch of the campaign. So on April 11, he ordered a major military operation in Lebanon.

I wasn't party to the discussions about the operation. But the model chosen was similar to the one I'd drawn up in 1994: a large-scale air and artillery assault designed to hit Hizbollah hard, force civilians to flee and persuade the Lebanese and Syrian governments to commit to a US-mediated end to the rocket attacks. Again, all of that happened. But not before a tragic accident which brought a storm of international criticism and hastened the end of the operation. An Israeli special-forces unit was ambushed while providing laser targeting support for an air force strike. When it called in artillery support, four of the shells fell on a UN compound near the Lebanese village of Qana, killing more than 100 civilians seeking shelter inside.

Peres phoned me a few hours later, distraught not just because the wayward artillery strike had laid us open to charges of "targeting" civilians in an operation designed to try to avoid doing so. Also, because the accident seemed likely to deal a further blow to his efforts to convince Israel's voters that he, rather than Bibi, was the man best placed to lead the country. "We're in trouble," he said. Yet within days, it became clear that our basic campaign strategy – ignore Bibi and "kick the ball into the stands" – was not going to change. I did make one last

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attempt to help put us on the political offensive, after I was asked to record on of Labor's TV campaign messages. I knew what I wanted to say. I'd talked it over with the small group of campaign experts Peres had asked me to assemble alongside Ramon's main team. Rather than ignore Bibi, I was going to use my position as his former commander in Sayeret Matkal, someone who knew him well, to explain why *Peres* should lead Israel.

"How many of us can really understand what it means to be a Prime Minister?" I began. "As head of intelligence, and chief of staff, I have seen, close-up, what it takes to be a Prime Minister. It is not a game. We've had good Prime Ministers: Ben-Gurion, Peres, Rabin, Begin... Bibi, we know each other well, from the days when you were an officer under my command. A young officer, and a good one. Prime Minister is the most important and serious role in this country. Bibi, it's not yet you. We need an experienced leader, who will know how to guide us with wisdom, strength and sensitivity. Shimon Peres is that man."

Yet we were never going to be able to avoid engaging with Bibi altogether. The face-to-face television debate between the two candidates was set for May 27, two days before the election. By American standards, the format was fairly tame. No direct exchanges were permitted, only a series of questions directed at each candidate by a leading political journalist, Dan Margalit. Still, it would place Shimon and Bibi side by side. We spent two days prepping Peres, with Avraham Burg – an early Peace Now supporter, former Peres aide and Knesset member – standing in for Bibi. Avraham played the role well, anticipating the lines of attack Shimon would face. But as I watched, I worried that even he couldn't replicate one of Bibi's key advantages. During his time at the embassy in Washington, and especially as UN ambassador, Bibi had become a frequent presence on American television interview shows. Always articulate, he was now also an experienced, and completely comfortable, television performer. In our debate rehearsals, Peres sounded well versed on all the issues. Yet I sensed his problem wasn't going to be the message, but the medium. He sounded a bit distant, unengaged, almost as if the TV debate was something he knew he had to go through, but which he thought slightly sullied the proper purpose of politics.

In the real debate, Shimon seemed to convey the sense that merely being in the same studio with a pretender as raw and untested as Bibi was offensive. When each of the candidates was given the opportunity at the end to ask a single question of the other, Peres didn't even bother. He did come over as the man with much more

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experience, gravitas, substance. He also had what was probably the best line in the debate, saying that if Israeli voters were choosing a male model and not a Prime Minister, Bibi might indeed be their man. Yet Bibi was much the more polished performer, and the more focused. No matter what question Margalit asked him, he almost invariably answered with the driving message of his campaign: that because of Peres, Israeli citizens were living in *fear*, wondering where the next suicide bomber would strike or the next Katyusha would land. And unavoidably, there was another contrast as well: Bibi, who, after all, was 26 years younger, projected greater youth, energy and confidence. When it was over, and Peres asked us how he'd done, we all hemmed and hawed. Only Avraham Burg was prepared to offer a clear verdict. He told Peres that Bibi had been the clear winner.

Still, it remained possible that Ramon's football-game strategy might work. Though Peres's poll lead had been narrowing by the day, he was – just – ahead. With a large number of voters undecided, however, Bibi pulled one final trick out of his campaign bag. Under Israeli law, election spending is tightly regulated and nearly all campaigning is barred during the last 48 hours before polling day. Yet with the backing of wealthy overseas supporters, the Netanyahu campaign suddenly flooded Israel with blue-and-white banners under the slogan: *Bibi, Tov la Yehudim*. "Bibi is good for the Jews." Would it swing tens of thousands of votes among the Orthodox voters who were the main target? It was impossible to say. But it seemed clear it was going to be a very close election.

I had worried for some time we might lose. That was why Nava and I had persuaded Michal, our eldest daughter, to bring forward her wedding. She was marrying her teenage boyfriend, a wonderful young man named Ziv Lotenberg. They had originally planned it for a week later. But we did want to risk having it overshadowed by an election defeat. The wedding took place in a beautiful area of lawns and gardens called Ronit Farm, north of Herzliya. It was how weddings are meant to be, full of smiles, good food and dancing. Near the end, Shimon showed up. As he walked over to greet us, one guest after another shook his hand, patted him on the back, hugged him, wished him luck. It was as if all the pressure and tension of the campaign had suddenly flowed out of him. He smiled, returned the embraces, even joined in the dancing. When he left, I told him that he'd done all he could to secure victory, and that I hoped the voters would make the right choice.

The first exit polls suggested he was going to win. But our internal polling was less clear. As more and more votes were counted, Shimon's margin inexorably

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narrowed. It wasn't until the next morning that the final result was clear: Bibi Netanyahu had won. By 29,000 votes. If a mere 15,000 of the three million ballots cast had gone in our column instead of his, Shimon Peres would have remained Prime Minister.

I knew he'd be feeling crushed. Not just on a personal level, because this latest electoral defeat had been in was a direct, head-to-head vote for Prime Minister. He, like all of us who had campaigned for him, knew what was at stake for the country. It had been barely six months since Rabin was gunned down in Tel Aviv's main square, by a fellow Israeli riding a tide of hatred so blinkered that it could paint Yitzhak – who had worked all his life to create, defend and help develop the Jewish state – as a traitor, even a Nazi. All because he had decided to try to make peace with the Palestinians, at the price of ceding control of part of the biblical land of Israel. Bibi had gone through the motions of urging restraint. But politically, he had ridden their wave. It was hard not to see his victory over Peres as a triumph for the ugly intolerance and the venom that had claimed Yitzhak's life. In policy terms, it was in large part a rejection of both men's vision of an Israel that, while still ready to fight if necessary, could explore compromise in the search for the ultimate prize of peace. The last time Yitzhak and I had talked, he'd been confident of defeating Bibi at the polls, and I do believe he would have won. But despite his differences with Peres, I'm equally certain he would have wanted *Shimon* to win, not just for his sake but for Israel's.

I had got to know Shimon, too, during my years in the *kirya*. In fact, he was the Labor leader who first spoke to me openly about one day moving into politics, something Yitzhak was always punctilious in not broaching before I'd left the army. Shimon had also taken to including me – usually along with Yossi Beilin and Shlomo Ben-Ami, a bright young historian who would become our ambassador to Spain before entering politics himself – in a coterie of "youngsters" he would bring along to meet visiting dignitaries from abroad. He occasionally invited me to chat about military and security issues in his and Sonya's flat in Ramat Aviv. My personal ties to Rabin were stronger, of course. After I joined the government, Shimon's and my relationship became slightly more circumspect. But since the assassination, some of the old warmth had returned. Not just as his foreign minister, but in discussions on wider questions of security as well, we worked closely together.

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Within days of the election, however, there was a new source of potential friction between us: Shimon's future, and possibly mine, in leading our opposition to Bibi and bringing a Labor government back to power.

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The question of Peres's leadership was unavoidable. Labor's constitution mandated a vote for party chairman within 14 months of an election defeat. But the widespread assumption was that Shimon would run again. A little before midnight on election day, with the returns beginning to show we might lose, I was invited to a morning-after breakfast by two senior Labor ministers: Fuad Ben-Eliezer, the man who had delivered the table-thumping warning that the hatred on the far-right would lead to a murder, and Avraham Shochat, Finance Minister under both Rabin and Peres. Both had been in the Knesset since the 1980s. Both were part of two of Peres's earlier, failed, election campaigns. Both now said that they weren't prepared to see him lead us into electoral battle the next time around. "Everyone in the party understands the meaning of this defeat. Shimon is done," Shochat said, as Fuad nodded his agreement. "You will have to go for the leadership."

Though their endorsement was a surprise, it would be disingenuous to pretend I hadn't been thinking, at some stage in the future, of running for the party leadership. But my election-campaign differences with Ramon and Peres were not just for the sake of intellectual argument. I badly wanted us to win: both for Peres's sake and the country's, and to redeem and continue all that Yitzhak had sacrificed. Despite my misgivings about some aspects of the Oslo process, I did believe there was a possibility of achieving peace with the Palestinians. I knew, from my involvement in the talks with the Syrians, that the outline of a possible peace agreement with Assad was already in place. I frankly wasn't confident that Bibi was the man to lead it forward. Yes, he was smart. He was organizationally astute. He'd been a good sayeret officer. Yet as I'd said it my TV spot, being Prime Minister required much more than that. I was now an elected Knesset member. But I had gone into politics in the hope of making a difference to how Israel confronted its defining challenges of war and peace. The prospect of spending the next few as a mere opposition foot soldier, making speeches and sitting in committee sessions,

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seemed to defeat the purpose of going into politics in the first place.

Still, I had no appetite for rushing into a challenge to Peres's leadership, both because it was bound to be difficult for both of us, and frankly because it seemed rash, premature and maybe even unnecessary. Bibi was beginning the negotiations to form a government, and that process was likely to take at least a few weeks. Shimon had yet to signal whether he did intend to stay on. Still, when he invited me for a late-night chat at his apartment a week after the election, I was concerned *he* might raise the leadership issue and I knew that, if he did, I would have to be honest and open with him.

The conversation went very differently than I'd expected. After he'd poured each of us a glass of Armagnac, and offered me a plate of Sonia's cakes, he spoke for a while about Bibi, though he could not even bring himself to utter the name. *This man,* he said, knew nothing about leadership, much less about running the country. He would be outmaneuvered, overshadowed and ultimately controlled by the "real strongman" in the Likud: Arik Sharon. I said I thought we were again underestimating Bibi's strength, as well as the effect of the country's new electoral system. He was the first Prime Minister to enjoy a direct, personal mandate. That turned upside down the balance of power and influence in our politics. As he assembled his coalition, the other parties, if they wanted to be in government, would have to deal with him on his terms. So, to a much greater extent than before, would potential internal rivals.

As we talked, I was struck that Shimon seemed resigned to the election defeat, relaxed, more at ease with himself than at any time since the start of the grueling campaign. Then, quite suddenly, he said: "Ehud, I understand the meaning of the election result. "You will have to take on the leadership, and lead the party." He said he didn't plan to spend the rest of his years hanging around the apartment. He would remain active – "working for peace" – but no longer in the party political arena. "I understand the meaning of what has happened," he repeated. "I will pass the Labor leadership torch to you. We should find a way to do it quickly, and in the right way."

It was nearly three in the morning when I left. I was not just surprised, but touched, by what he'd said. Shimon was now nearly 73. He'd had a life in our country's politics, and in Labor, stretching back to before the state, when he'd been a favored protégé of Ben-Gurion. Walking away was going to be hard. I was

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touched as well by the fact that he had decided to "pass the torch" to me, someone more in the mold, and closer to, Rabin. But I remained cautious, too. When I got back home, Nava, knowing where I'd been, was still awake. I told her everything that Shimon had said. I told her how extraordinary it felt to have the prospect, at least, of leading Labor in opposition to Bibi, without the need to confront, or to inflict personal hurt, on Shimon. But I added: "It seems a bit too good to be true."

It was. The next morning, I joined other ministers and party officials with Peres in his office. It was as if our conversation a few hours before had never happened. Shimon set out his strategy for Labor going forward. And the first thing he said was that the party needed to push back any leadership election beyond the mandated 14 months."It's too early," he said. He said we needed to focus on two other strategic imperatives: to reconstruct the party, and consider the issue of joining a possible "unity" government with Bibi.

Though Bibi went on to form his government without us, in alliance with a number of smaller Orthodox parties, the idea of a Labor leadership change seemed off the agenda, at least for now. In early August, I was standing next to Giora Einy – the "political operative" Yitzhak had sent to help bring me into his government, and a friend of Peres as well – when Shimon rose to speak to the dozens of well-wishers at his 73rd-birthday celebration in Tel Aviv. He was at his old, self-confident best. With just a few thousand extra votes, we would have won the election, he said. He was sure Bibi's coalition – "a coalition against peace" – would not survive for long. Giora, smiling, turned to me and said: "It doesn't sound like a farewell speech. It seems like he's ready for the next round. He lost twice to Begin. He lost once to Shamir. And only once to Bibi. He's not going to stop without giving it another go."

Another of Peres's old friends, a few weeks later, urged me to press him on the need to step aside. I'd become closer to the French Jewish businessman Jean Frydman during the election campaign. Since he had helped organize the fateful peace rally at which Rabin was shot, he felt – wrongly, but powerfully – a sense of responsibility for what had happened. He wanted to do everything possible to ensure that Rabin's political legacy, and Shimon's, survived. He invited Nava and me to visit him for a few days. When he asked about the birthday celebration, I told him what Peres had said. "He's making a huge mistake," Jean told me. "After every election, he goes through the same process. Always, he's convinced that next time he will win." I said how I dreaded the prospect of being part of an effort to

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force Shimon out. But Jean said he'd been giving a lot of thought to everything that had happened since Rabin was killed. He felt I was the only potential Labor leader who could defeat Bibi in an election and "bring back sanity to Israel, lead it to peace." He said he was convinced that Peres's time had passed. "I can say that. I'm from his generation. And as a very close friend of Shimon, I will be the first in line to help you."

Early in September, having let Shimon know through Giora and then phoning him directly, I declared publicly that I would be running for the Labor leadership. Though he'd thanked me for telling him beforehand, he said he thought I was making a mistake, and was still against having a leadership election at all. That made his public response to my announcement puzzling. He went on Israeli TV and said he would *not* be a candidate for Prime Minister in four years' time. "The time has come for a change," he said. But while everyone took that to mean he was reconciled to a change of party leadership as well, it turned out that we had jumped the gun. He intended to stay on as chairman.

During the early months of 1997, Shimon and I held a series of late-night meetings at his apartment to thrash out an agreed course. It was a process that was hard for both of us, and hurtful for him. He was now at least reconciled to the inevitability of an election for a new party leader, if only because his protégé Yossi Beilin had also put his name forward. But he kept proposing to push back the vote. I insisted that since the deadline under party rules was June 3, it was only right that all of us abide by that. I do remember a particularly poignant moment from one of our sessions. Peres had left the room for a minute, and Sonia came in. "Ehud," she said to me, "keep your nerve. You're the only one who can talk to him this way. He should have retired from politics years ago. You're the only one around him who tells him the truth."

We ended up with a compromise. Shimon accepted that the leadership election would be held on June 3. I agreed that in the unlikely event Bibi decided to invite us into his coalition during the three months after the leadership vote, Peres would select the Labor ministers. Our last meeting ended at nearly four in the morning. He told me he'd arranged a reception for the party leadership at 10 a.m., in barely six hours' time. He suggested we meet in his office an hour beforehand. I didn't know what to expect. After months of discussions, I hoped he understood that I had wanted the process to go differently. I had been open and honest with him throughout. But I knew that, deep down, he still wanted to stay on, that he believed

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that his long record of service should have earned him that right, and that it would be painful for him to accept that, by June, there would be a new Labor leader.

He was relaxed and gracious when I arrived. We went through the details of what we'd agreed, and worked out what each of us would say to reporters. What came next, as the party faithful filed in, was simple human nature, I suppose. Seeing some of his oldest supporters, he had second thoughts. His comments to reporters afterward were more hedged than what we'd discussed. Giora told me that after all of us had left, Peres turned to him and said: "Look what Barak is doing to me. What have *you* been doing?" Giora, who had been a conduit between us at the very beginning of our discussions, replied: "You *asked* me to bring Barak to you." At which point, Shimon said: "OK. So probably I made a mistake."

At a convention of 3,000 party activists in mid-May, a few weeks before the leadership election, he made a final attempt to mitigate that "mistake". Nissim Zvili, the secretary-general of the party and a longtime Peres ally, introduced a motion to vote him into a new post of party president. A couple of Shimon's friends urged me to back the idea, describing it essentially as a ceremonial role. But I feared it was a recipe for prolonging the agony. Whatever powers "President Peres" would have, the idea of two captains on a ship would almost certainly mean trouble. I was especially reluctant to go along with it because our *particular* ship had been in rough waters for so long. Labor needed to steer a calm, decisive course toward the next election if we were going to defeat Bibi.

What followed was one of the most painful spectacles I've ever witnessed. When Peres rose to make his case for becoming party president, he said: "I don't want powers. I don't want honors. But I also don't want insults. I *announced* my decision to resign from the position of party chairman. Did someone push me into it? Am I trying to hold on to my job?"

"Yes!" many hundreds of the delegates shouted back at him.

Stung, he reminded the meeting that it was he who had led Labor back from the battering it took in the 1977 election against Begin. In 1981, he'd helped us recover a dozen of our lost seats. Even so, because he hadn't succeeded in forming a Labor government, people had called him a loser! "*Mah? Ani* loser?" he asked, using the English word. "Am I a *loser*?"

"Yes! Yes!" came the shouts.

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Yet the saddest note came at the end. "I apologize for being healthy, for not getting old according to plan," he said, adding that even *without* the title of president, he would keep working for peace.

There were three other candidates for party chairman: Yossi Beilin; Ephraim Sneh, the friend who'd been the paratroopers' chief medic when we'd fought at the Chinese Farm in 1973, and at Entebbe too; and Shlomo Ben-Ami, the academic and diplomat whom Shimon had taken along with Yossi and me to meet visiting foreign politicians, and who was now also a newly elected member of the Knesset. When the vote came, it was assumed by most political commentators that I was going to win. The only question was whether I'd get the 50 per cent of votes needed to avoid a run-off, where the outcome might be less predictable. But I got 57 percent against Yossi's 28, with the remaining 15 percent split between Ephraim and Shlomo-Ben Ami.

* * *

Now, we had to put ourselves in a position to defeat Bibi and the Likud. Policy priorities were ultimately what would matter most: strong and credible steps to confront terror and safeguard our security, allied with the leadership and will to try to negotiate a peace with Syria and the Palestinians; and, at home, a recommitment to the values of an open, tolerant democracy. But in at least one important way, I approached my new role as if it was one of our operations in Sayeret Matkal, or the need to reshape our armed forces when I was chief-of-staff. My first priority was to put in place the *practical* foundations for a successful election challenge against Bibi. Through Jean Frydman and other business supporters with the means and the desire to help, my brother-in-law, Doron Cohen, assembled sufficient funding for us to begin engaging with the strategists who had helped deliver electoral success for a trio of other centre-left political leaders overseas: Bill Clinton, Tony Blair in Britain and later Gerhard Schroeder in Germany.

My main early political focus was on holding Bibi and the government to account in the Knesset, above all on the torturous process of ensuring our security while implementing the West Bank redeployments agreed in Oslo II. We'd made a small start under Rabin and Peres, but the three major withdrawal phases due in the

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five-year interim period had yet to begin. In one respect, I had some sympathy for Bibi's predicament. The reason I'd tried to get Yitzhak to alter the terms of Oslo II was that it required us to hand back control before we knew what a "permanent-status" peace deal would look like. But where my sympathy ended was in how Bibi handled the situation. Despite my concerns about the way the Oslo process had been designed, I never doubted that killing it off would be by far a worse alternative. Bibi had been elected to *lead* Israel. Instead, he acted as if he was playing some sort of pinball match, flipping the ball first one way, then the other, with no obvious aim beyond keeping it in play – and, where Oslo was concerned, simply stalling for time. Rather than setting out any vision of where he hoped to move the negotiating process, he seemed more concerned with keeping the right-wing of Likud and the smaller, even more extreme parties from turning against him.

In late September 1996, Bibi and the Likud mayor of Jerusalem, Ehud Olmert, decided to go ahead with the festive opening of an archeological tunnel that provided access to a larger portion of the Western Wall of the ancient Jewish temple. It was a decision that, under both Rabin and Peres, we'd delayed out of concern about inflaming tensions with the Palestinians. As Shimon rightly said publicly after the three days of violence that followed, we understood that, at a minimum, it would need to be coordinated beforehand with Arafat. As the unrest spread into the West Bank and Gaza, there were media warnings of a "new *intifada,"* the difference this time being that the Palestinians newly established police had entered the fray. By the time urgent US diplomacy, our efforts and Arafat's, brought it to a close, 25 Israeli soldiers and nearly 100 Palestinians had been killed. He did not slam the brakes altogether on the American-led efforts to move ahead with the Oslo. In early 1997, in fact, he and Arafat reached a separate agreement on the critically important question, and potential flashpoint, of Hebron. It stipulated that about 80 percent of the area would be under Palestinian authority, with Israel retaining control and responsibility for nearby settlements and key security points. Despite right-wing and settler opposition, it was approved by a wide margin in the Knesset, with Labor's backing. But a few months later, in the spring of 1997, Hamas launched a new campaign of suicide bombings in shopping areas of Jerusalem and Tel Aviv, leaving 24 people dead. While not suggesting that Bibi took the human cost of terror lightly, he did use the attacks to drag out further US-mediated talks on the details of implementing the Oslo II redeployments.

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By November, even his Foreign Minister, David Levy, was making noises about quitting. He said it would be a waste of time to stay in the cabinet if it was going to bring the peace process to a halt. I warned Bibi, both in the Knesset and in a series of speeches, about the alternative on the Palestinian side if those who *wanted* a negotiated peace had nothing but stalemate to show for it. And lives, I insisted, were at stake. Both through closed-door sessions of the Knesset's security and foreign affairs committee, and my own contacts in military intelligence, I was convinced that the result would be a second, much more deadly, intifada. Not with Molotov cocktails, but guns, and suicide bombs.

I was not out to score political points in keeping the pressure on Bibi to move forward. In fact, I announced that if Bibi *did* go ahead and finalize the terms for our Oslo redeployment, Labor would once again provide the extra Knesset votes needed for him to get it approved.

Early in 1998, he sent word that he wanted to talk. The message came through Yaakov Ne'eman, his Finance Minister and a prominent lawyer whom I knew and liked. He and I held an exploratory meeting at which he proposed talks with Bibi on the prospect of a unity government that would help move the peace process forward. I said I'd talk, with one proviso: the discussions would be genuinely secret, with no leaks. I was not prepared to engage in political gamesmanship. In May, Bibi sent an assurance of confidentiality through Ne'eman. The first of about a half-dozen meetings came a few days later at the Prime Minister's residence in Jerusalem. Then, we shifted venue, meeting at a Mossad-owned villa north of Tel Aviv. I brought along Bougie Herzog, a bright young lawyer, and Labor Party member, who was working in the same law firm and Ne'eman. It was by no means clear we'd agree on a unity government. To my amusement, if not altogether to my surprise, I got word that Bibi was putting out separate political feelers to Shimon Peres. But before long, it became clear there was a specific political motivation behind his approaching me. It was indeed the peace process. But it wasn't the *Palestinian* peace process, something Bibi still clearly wanted to avoid as much as humanly possible. It was an attempt to engage with Syria.

He asked me about the talks under Rabin and Peres, and my views on the possibility of a deal with President Assad. He also wanted my assessment about whether the army could work out arrangements to safeguard the country's security if we handed back most, if not all, of the Golan Heights. If so, what kind of security arrangements, with what timeline? We met through the summer, as the

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talks with the Americans on the further West Bank redeployments meandered ahead. We also discussed in detail how a unity government would work. We agreed it would be presented, like the Shamir-Peres partnership in 1984, as a cross-party response to an important challenge for the country: in this case, security and the peace process. I would be both Defense Minister and "Vice-Prime Minister", with the understanding that Bibi and I would jointly discuss all major issues before jointly agreeing to bring them to the full cabinet.

But in August, the talks ended, after news of our talks finally leaked. I immediately phoned Ne'eman. I reminded him that at the outset, I'd said that would mean the discussions were over. He did call me back later in the day to say Bibi insisted that he'd had nothing to do with the leak. My guess was that the source was my old comrade from the Chinese Farm, Yitzhik Mordechai, who had presumably heard that Bibi was ready to make me Defense Minister as part of a unity government. There was, of course, already a defense minister: Yitzhik.

Bibi's idea to reopen efforts to get peace with Syria didn't last either. Although I'd learn of this only a few years later, he'd approved a visit to Damascus by the American Jewish businessman Ronald Lauder to meet President Assad. The visit made it clear to Bibi what successive Israeli leaders had learned: a deal might be possible, but only if Israel was willing to commit in advance to pulling out of the Golan. Assad told Lauder to come back to him with a detailed map setting out Bibi's view on delineating the Israeli-Syrian border under a peace agreement. Though no one in the cabinet knew the initiative was underway, Bibi realized that before sending back the map Assad wanted, he would need to tell the two senior ministers directly affected: Arik Sharon, who had replaced David Levy as Foreign Minister; and Yitzhik Mordechai. Both of them said no, with Yitzhik pointing out that a signed map would inevitably become part of the negotiating record. It was a step that, in future negotiations, could not be undone.

Bibi's coalition was now creaking. The Syrian option was off. David Levy had already jumped ship. Yitzhik, increasingly concerned about Bibi's delay and drift on Oslo II, seemed to be thinking of leaving as well. Right wing ministers and Knesset members were no happier: they opposed even the slightest prospect of movement on Oslo. In October, Bibi did finally try to seize the initiative. He wrapping up the redeployment details in a summit with Arafat and Clinton and Arafat in Wye River. But as soon as he got back home, he started backtracking, rather than risk facing down his right-wing critics in the cabinet. Implementation of

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the deal was due to begin in early November, but he kept putting off a vote in the cabinet. When the vote came, on November 11, Bibi squeaked through by a margin of 8 to 4, but with five abstentions. That meant less than half of his ministers had voted for it.

The easy part for him was Knesset ratification, since I had committed Labor to supporting Bibi on any move towards continuing the peace process. The day after the Knesset's vote, Bibi won the cabinet's clearance for actual implementation to begin. But it didn't. With hard-line ministers threatening to bring down the government if it did, Bibi again stalled. That was the turning point. I'd made it clear our parliamentary support would remain for as long as Bibi moved ahead with what had been agreed at Wye River. It was not intended as a blank check, or an offer to prop up a Prime Minister who now seemed to be looking for any way possible *not* to implement the agreement.

My key ally in what came next was Haim Ramon. Despite our differences over the direction of the Peres election campaign, we had become effective parliamentary partners. He had a depth of political experience and knowledge I still lacked. While I found the details of how the Knesset operated arcane and often tiresome, Haim knew all of it instinctively. When it came to the need for discreet discussions or bargaining with other parties, not only could he draw on his personal relationships with Knesset members across the party divide. He had the additional advantage of being able to avoid the scrutiny that would follow a direct approach from me. Before Bibi had gone to Wye, Haim and I had discussed how we might move to force early elections. The peace process, and the country, were drifting. There seemed no point in waiting, if we could be confident of lining up the necessary votes among the growing number of others who were also convinced Bibi should go. After the Wye summit agreement, I put all that on hold. But now that Bibi had shifted into reverse, I told Haim to resume his efforts.

In early December, he told me he had enough votes for a no-confidence motion, under his name, to dissolve the Knesset and pave the way for early elections. The axe fell on December 20. Bibi had lost the support of the right-wing, who wanted Oslo ended altogether. He had now lost me, too. I felt his approach to the peace process was leaving Israel rudderless. The way we were heading, we would not just forfeit any potential benefits from Oslo. We would be leaving a political and diplomatic vacuum at a time when a serious new explosion of Palestinian violence was becoming ever more likely. In the Knesset debate, Bibi made one final bid to

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save himself: by suggesting a delay of 72 hours for talks on a "unity" government. I said that I was all for unity. But I reminded him that, time after time, we'd saved his government in order to continue the peace process. We could no longer help out a "government that is not interested in upholding the Wye agreement, but only in its political survival."

The vote of no-confidence went against him by the yawning margin of 81 to 30, with nine Knesset members abstaining or staying away. A few days later, the date for the election was announced: May 17, 1999.

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Chapter Nineteen

A few hours before Haim Ramon introduced his no-confidence resolution, he came to see me in my office in the Knesset. He was worried. Not about the vote, but about what would come after. "Ehud, I'm sure we can topple the government," he told me. "But only you know whether we're ready – whether *you're* ready – to defeat Bibi in an election."

"I'm ready," I said. "We are going to win."

Few agreed. In fact, there had been times during my first year-and-a-half as Labor leader when I wondered if I'd be able to hang on to the job. I was in charge of a party whose grassroots were on the left. I was, by intellect and instinct, a pragmatist and a centrist. I did share Labor's vision of a socially just and democratic Israel. Especially after seeing far-right rabbis egg on the fanaticism that ultimately killed Yitzhak Rabin, I felt strongly that we needed to separate organized religion from our day-to-day politics. But I'd been raised with a deeper respect for our Jewish traditions than many on the left. Right after Yitzhak's murder, I'd gone to see Zevulun Hammer, the leader of the National Religious Party. It had been part of both Labor and Likud governments ever since 1948, though not Rabin's. The NRP, too, had been drifting steadily rightward. But it still basically subscribed the idea of a strong, democratic Israel under the rule of law. I wanted to bring the NRP back into the government under Peres, as part of the widest possible political alliance against the assassination and the campaign of hatred that had fostered it. Sadly that didn't happen, in part because of the anger against all Orthodox politicians after Rabin's murder. Yet in my readiness to engage politically with Orthodox leaders who did not reject the very idea of peace negotiations – whether in the NRP, or the increasingly influential Sephardi religious party, Shas – I was outside Labor's mainstream, and its comfort zone.

On my approach to peace as well, I differed from many on the left. Though I was determined to pursue any realistic avenue to negotiations, I was convinced that security considerations had to be paramount in what we were prepared to give up or accept in negotiations. I was cautious about ceding too much too soon, in case the Palestinians or the Syrians proved either unequal to, or uninterested in, making the hard decisions required for peace. That was an approach with, like Yitzhak

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before me, provoked more left-wing parties like Meretz to suggest that if I *really* wanted peace, I'd be ready to give away more, and more quickly.

My position wasn't helped by the way I had come over in the media during my first months as Labor leader. A number of newspaper commentators wrote that while they found talking with me stimulating, I seemed to be operating in a world of my own, either unable or unwilling to give straight answers and a single, clear message. They were right about that. If asked a question, especially one which obviously involved an issus of nuance, my instinct was not to come up with a sound bite. It was, as best I could, to answer fully and accurately. The difficulties that could sometime cause hit home in an interview with a leading Israeli journalist in the spring of 1998. He asked how my life might have turned out if I'd been born and raised not as a kibbutznik, but a Palestinian. I answered: "At some stage, I would have entered one of the terror organizations and fought from there, and later would certainly have tried to influence from within the political system." I did hasten to add that I abhorred terrorists, describing their actions as "abominable… villainous." But that was lost in the political storm that followed. All I'd done was answer as honestly I could. What if I had been one of the Palestinian babies in Wadi Khawaret, but with the same mind and same impulses that had defined my life as an Israeli? I assumed that instead of becoming an Israeli soldier and politician, I would have become the closest thing to a Palestinian equivalent. Still, as even my brother-in-law, Doron Cohen, told me when he phoned a couple of hours later, it was not the most astute thing to say as a potential candidate for Prime Minister.

None of this might have mattered if I'd been able to show I was bringing Labor nearer to defeating Bibi. But the only measure of progress that the media paid attention to was the opinion polls. Briefly, in late 1977, I did pull ahead, during the period leading up to Bibi's agreement to pull out of most of Hebron. But for much of 1998, I was running behind, and questions about my leadership surfaced publicly by the summer. The media commentators spoke of the need for a Labor "liftoff." Why, after a full year as leader, had I failed to deliver it?

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There *was* a part of politics for which I was naturally suited after my life in the army: to plan an operation, prepare and execute it. An ability to get the lie of the land, assess your own and your rivals' strengths and vulnerabilities, and to win. And the "lie of the land" struck me as more encouraging than many Israeli commentators believed. When I became Labor leader, I didn't expect Bibi to fall anytime soon. But I believed it was inevitable that at some point he'd have to make tough choices about the peace process, and I doubted his coalition with the more right-wing Orthodox parties would survive. I also took encouragement from the fact that the political winds in other developed democracies seemed to be blowing in our direction. Bill Clinton had won in the United States. In Britain, which had a parliamentary system much closer to Israel's, Tony Blair, as leader of a party renamed as *New* Labor, had ended eighteen years of Conservative rule and swept to victory. Behind the scenes, I immediately made sure that, with financial help from Jean Frydman and other supporters, we began the practical work of learning from the experience of center-left parties in other countries.

Within weeks of my election as Labor chairman, I used my acquaintance with a British Jewish businessman named Michael Levy to see what lessons our Labor party might learn from Tony Blair's. Levy had been an early supporter of Blair and persuaded the Prime Minister to welcome me through the famous black door of Number 10 Downing Street. After chatting in the front hallway, the British Prime Minister led me into the back garden to discuss how he had refashioned his party and brought it back into government. In addition to modifying or abandoning rigidly left-wing positions that most British voters had rejected, he had created a formidable campaigning team under an ally and adviser named Peter Mandelson. When I asked Blair whether it would be possible to meet Mandelson, he said he couldn't "give me Peter." But he did put me in touch with Philip Gould, the polling expert and strategist who had partnered Mandelson in designing and running the election campaign.

We met at Labor headquarters in Milbank Towers so Philip could show me the "war room" – modelled, in part, on Bill Clinton's campaign operation – from which the victory had been planned and executed. It was a large, open-plan space, nothing like the warren of offices and conference rooms from which Labor in Israel operated. Pride of place went to an advanced computer system, the heart of a "rebuttal unit" which charted every statement from the Conservative Party so it could be answered, neutralized or used to adjust Labor's own campaign. I was

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struck by how different the approach was from our campaign for Peres. As I filled my notebook with the details, Philip added a final bit of advice. "If you want to win, have it run by the best *professionals* you can find. Not politicians. They always have personal agendas. Focus is everything. Distractions and arguments and infighting can be fatal."

Philip recommended one professional, in particular, to get us started: Stanley Greenberg, the pollster who had advised not only Blair's campaign, but Clinton's. Doron used his contacts in New York to put us in touch not only with Greenberg but the strategist behind the Clinton victory, James Carville, and another leading Democratic Party consultant and speechwriter, Bob Shrum. We began working with all of them well before the no-confidence vote in the Knesset. Philip had a wonderfully British understatement and reserve. Stanley, with his eyeglasses and demeanor too, came over as slightly professorial. With Bob, it didn't take long to understand why he was such a gifted speechwriter. He loved words, especially the way they could be used to inspire a connection with important campaign themes: above all with the idea of hope, and new beginnings. Carville was the human equivalent of a volcano. If he hadn't been a campaign strategist, he could have made a living as a hybrid of a cowboy and a stand-up comedian. But they all shared the easy, infectious self-confidence of people who were very good at what they did, and knew it.

When I went to New York with Doron to meet Carville in Feburary 1988, my confidence as Labor leader was taking some fairly hard knocks. But from the moment he walked through our hotel-room door, it was impossible not to like him. He showed up in a T-shirt and tennis sneakers, walked straight across the room, slouched into a chair and said: "General Barak, I don't get it. You're a known public figure, with a great mind and a great military record. It's already been a year-and-a-half since Israel got Netanyahu. What have you done to *go after* him? Why haven't you gone on the attack?" He said it was time for me to wake up, and change tack. "Can you run through your stump speech for me," he asked, motioning me toward the center of the room like a film director.

"I don't have one," I said. To which he replied briskly that I should have had one *months* ago.

When Stanley paid a preliminary visit with Philip to Israel, they, too, urged me to sharpen my message and pay more attention to my image with the public.

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Stanley was worried by polling data that suggested most Israelis saw Bibi as "strong." I argued that strength was one area where we wouldn't have to worry. "No way, in a campaign, he'll end up coming over looking stronger than me." Stanley seemed not entirely convinced.

Both in "strength" and other ways, I think my background did prove an advantage. The 35 years I'd spent in the military had given me a singleminded determination to set goals, follow through and achieve them. After Haim Ramon came to my office before the no-confidence vote to ask whether I was sure I wanted to go ahead, and I answered with an unhesitating "yes," Haim had told a couple of reporters: "Barak has balls of steel." In truth, I was puzzled he'd even asked me. As when I was in uniform, it would never have occurred to me to ask him to try to line up the necessary votes if I hadn't thought it through and intended to go ahead with it.

Still, my military background was not always an asset as I found my feet as party leader and prepared to take on Bibi in the election campaign. In searching for the tools, the structure, and the people I felt would give us the best chance to win, I sometimes failed to pay due attention to the party's existing apparatus and institutions. This alienated a number of established Labor politicians, eventually including Haim himself. So as the campaign approached I tried to shore up my ties with the party establishment. I drafted in Bougie Herzog to act as my regular liaison with leading figures in the party. I was careful to include a number of Labor politicians in our campaign team as well, though, as Philip Gould had recommended, I made sure they didn't actually run it.

The closest equivalent to the role Haim had played in Peres's campaign went to a young businessman, PR professional and Labor supporter named Moshe Gaon. As spokeswoman, we brought in someone who, though she'd been a messenger of doom during the Tze'elim controversy that engulfed me before joining Rabin's government, had undeniable experience and ability which I valued and respected: Yitzhak's former media aide Aliza Goren. As campaign coordinator, I chose Tal Silberstein, who at the time was in charge of a citizens' group called *Dor Shalem Doresh Shalom*: "A Whole Generation Demands Peace." I relied on frequent, less formal input from political friends whose judgement I had learned to trust, like Eitan Haber and Giora Eini. Also playing a key role was a group of four young women, led by Orna Angel, a successful architect and a former soldier in Sayeret Matkal. She built from scratch an army of nearly 20,000 volunteers who helped

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organize events and contact voters during the campaign. We outfitted our own war room in an open-plan floor of offices on the edge of Tel Aviv. Philip called it "Milbank South." As organizational head of the campaign, I chose Chagai Shalom. An industrial engineer by training, he was a reserve army general who, when I was chief of staff, had been in charge of the logistics branch of the military. I gave him Sayeret Matkal backup as well, in the person of Danny Yatom, my longtime friend and former sayeret deputy.

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But all that was process. Winning or losing would come down to how our message, our ability to forge alliances, and my own personal and political appeal, measured up against Bibi.

The new system of separate elections for party and Prime Minister meant that in order to win a majority, I would need the support of voters outside Labor as well. I set out to establish a broader movement, a big tent under which a majority of Israelis could coexist politically. I realized this risked provoking anger among some Labor activists. But I wanted to convey to voters that I was reaching out beyond my core party constituency: to "soft" right-wingers nearer the political center; to the Sephardim who since 1977 had overwhelmingly voted Likud; to the growing number of Russian immigrants who had helped Bibi defeat Peres; and to those among the Orthodox who still subscribed to tolerance and moderation in the mold of the old-style National Religious Party in the first few decades of the state. Though the candidates on our Knesset election list would all be from Labor, I ran the Prime Ministerial campaign under the broader banner of *Yisrael Ahat* – One Israel. I envisaged it as an alliance of at least several different parties with Labor at its center.

I began with Bibi's jettisoned Foreign Minister, David Levy. He was a Moroccan-born 1950s immigrant whose career had begun at the grassroots, in the northern town of Beit She'an, but who went on to become a key part of Begin's victory in 1977. The leading Sephardi figure in the Likud, he was at one point mentioned as a future leader. Many Israelis, especially on the left, now portrayed him as a figure of ridicule. But I'd always had a higher opinion of him. During the

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1982 Lebanon War, with two sons fighting on the ground, he'd been a rare voice of common sense, and caution, in the Begin cabinet. I'd also seen him operate in Shamir's inner security cabinet, when I would come, as deputy chief of staff, to present military operations for approval. I remember one occasion when an air force general laid out the details of a planned helicopter-borne mission into Lebanon. I added a few remarks in summary. Raful Eitan and Arik Sharon were both ministers. Within seconds, they were peppering the general and me with questions. Why were the aircraft taking one route north instead of another? Why not closer to Mount Hermon? Shouldn't they fly lower? Levy interrupted. "Gentlemen," he said, "we are not in company commanders' course. We're in the inner cabinet of the government of Israel. We have a chief of staff and other generals and military professionals. It's their job to decide the operational details. *Our* job is to balance the reasons for doing an operation against the risks as presented to us."

I met with him in the Knesset cafeteria before Bibi went off to the Wye River summit. Levy now headed a small breakaway faction from Likud called *Gesher*, Hebrew for "bridge." Without explicitly suggesting we join forces, I explained my hope to run my eventual campaign for Prime Minister in alliance with a few other parties. I told him I wanted to make my candidacy a legitimate choice for voters from the center-right, the Orthodox, as well as the Russian community. I took a napkin and drew a big umbrella to illustrate what I had in mind. He said he understood – though he did tell me to make sure I tore up the napkin. There came a point, at the end of November when it looked like my overture had failed. Scampering for a way to shore up his coalition, Bibi tried to lure Levy into the fold back by offering him the Finance Ministry. But with resistance from other ministers, Bibi broke off the talks with Levy, leaving him humiliated and furious. I met with him several more times, and we brought in Gesher as our first "One Israel" partner. The second to join us, early in the new year, was a small religious party called Meimad, inspired by an openly pro-peace Orthodox rabbi named Yehuda Amital and including a former Chief Rabbi of Norway, Michael Melchior.

By the end of January 1999, several months before the real campaign, I was feeling better about where we stood, in part because of a series of hits Bibi was taking from former friends and allies. The first salvo was fired by Misha Arens, who had helped engineer Bibi's move into national politics. He announced he was going to put himself forward for the Likud leadership before the election, saying

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that he and others were convinced Bibi couldn't win. A couple of weeks later, Yitzhik Mordechai seemed on the verge of becoming the latest of Bibi's ministers to resign. He was openly flirting with the idea of joining a new centrist party that had been formed by Likud's Dan Meridor. Bibi struck back with a mixture of subtlety and venom. He fired Mordechai, accusing him of being driven by personal ambition. Then he offered the Defense Minister's job to Misha Arens.

Yitzhik did join the Center Party, as did Amnon Lipkin, who had ended his term as chief-of-staff and, with initial opinion poll numbers suggesting he'd do well, even briefly entered the race for Prime Minister. Now, he endorsed Yitzhik Mordechai instead: a man not only with strong military credentials, but of Sephardi background and religiously observant, and a proven politician and cabinet minister. It was clear that he would be going after many of the same votes I needed to win.

That situation wasn't ideal, to put it mildly. But all I could do at this stage was to put our own campaign house in order. I hoped that if we ran the campaign I expected, there wouldn't *be* a run-off.

* * *

At the start of April, the final list of candidates was set. There were five. In addition to Bibi, Yitzhik and me, Benny Begin had decided to run on the right. Also in the contest was Knesset member Azmi Beshara, the first Israeli Arab citizen to seek national office.

When we chose "One Israel" as the name of our campaign alliance, it was not meant just as a catchy phrase. Though now a half-century old, the country had rarely seemed so diverse, and in many ways divided. It was not just the old fault line between Labor and Revisionist Zionism that defined our politics, or even the Ashkenazi-Sephardi gulf that had predominated since the late 1970s. There were new, younger, more assertive, more right-wing and more pro-settlement voices among the Orthodox. There was the contrast between the overwhelmingly secular, politically and socially liberal, and culturally Western Tel Aviv, with its lively cafés and restaurants, and the constellation of wealthy suburbs to the north; and smaller Israeli towns and cities in the interior, Jerusalem as well, not to mention

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the settlements on the West Bank. Since the fall of the Soviet Union, hundreds of thousands of Russians had also flowed into Israel. Most were Jewish in culture more than religious observance, but they were instinctively inclined to support candidates – Rabin in 1992, and Bibi the last time around – who they felt were likely to take a tough line in any peace negotiations with the Arabs.

I was never going to get the backing of many West Bank settlers, or of core supporters of the Likud and parties even further to the right. But I would need to make at least some dent in Bibi's hold on the Russian voters who had supported him by a wide margin in 1996. I focused first on *Yisrael Ba'Aliyah*, the main Russian immigrant political party. It had been set up by the iconic Soviet-era *refusenik* Natan Sharansky – or, as he was then known, Anatoly Sharansky. He'd been an ally of Andrei Sakharov, an outspoken human rights advocate and, until he was finally released and allowed to leave in 1986, a political prisoner in the gulag. Though Natan's party was not going to offer a formal endorsement for any candidate, I met with him to press the case for "security and peace," the message I'd tried to advance with Shimon three years earlier, and to emphasize the need to bring unity and shared purpose back to the country. Though I think he would have been receptive anyway, it didn't hurt that he, like me, was a mathematics graduate – from Moscow's Physics and Technology Institute. He was also a chess aficionado. When I was rash enough to face him across the board, as I recall, it took him all of five minutes, and seven moves, to checkmate me.

But I also made dozens of visits to Russian community groups, and met with individual families whenever I could. Often, I found myself talking to older men and women among the immigrants about the military details of the Great Patriotic War, as the Russians called World War Two. On a number of occasions, I accepted the invitation to sit down and play on a sitting-room piano. I think the first time I got a sense that any of this might be having an impact was in a quote from a *Yisrael Ba'Aliyah* official in an Israeli newspaper. Though still stopping short of a formal endorsement, the official was quoted as saying: "A month ago, young Russians thought Barak was a boring, left-wing socialist party leader who doesn't look good on TV and mumbles a lot... Today, they see him as a high-ranking Israeli general who knows how to play the piano. The Russian immigrants like strong, cultured people." Except for the bit about mumbling, I couldn't have wished for more.

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The next key moment in the campaign involved something I did *not* do. This time, the Israeli television debate came earlier in the campaign, a month before the election. Bibi, Yitzhik Mordechai and I were all invited, as the three main candidates. But I told the TV people I had a conflicting personal engagement. I figured I had nothing to gain by going. To join a three-way debate risked creating the impression this was a genuine three-man race, and I still held out hope it would come down to just me and Bibi. Besides, I thought a debate between the other two would help me. Yitzhik knew Bibi well. He had served in Bibi's government. Though not a natural orator, he was always forthright, and often pugnacious, in making his points. And he couldn't stand Bibi.

Unlike the 1996 debate, this time there was a knock-out blow, and Bibi was the one left on the canvas. It was a bit like Senator Lloyd Bentsen's killer riposte when Republic vice-presidential candidate Dan Quayle compared himself to John F. Kennedy in their debate, a few months earlier: "Jack Kennedy was a friend of mine. Senator, you're no Jack Kennedy…" Bibi entered his television showdown with Yitzhik Mordechai with much the same strategy he'd used against Peres. He went on the offensive. He tried to portray himself as an indispensable bulwark against those, like Yitzhik or me, who he said would cosy up to Arafat and Assad and endanger Israel's security. But Yitzhik was up for the fight. He also knew that only months earlier, Bibi himself had been exploring the idea of giving up the Golan Heights to the same President Assad. He didn't actually refer to the secret mission by Ronald Lauder, or explicitly accuse Bibi of hypocrisy. But his reply – and Bibi's visible discomfort – were just as effective. Smiling sardonically, he said: "I know your outbursts, and they won't do you any good." He challenged Bibi to just "look me in the eye" and admit what he really thought about the future of the Golan. The media verdict was unanimous. Mordechai had won. Which meant I had won.

Though my American and British brains' trust had little input into our day-to-day campaign, they did play a role in the thrust and strategy. I tried to drive home two things as we entered the two-week homestretch in May. My first, broad message was an echo of James Carville's central theme in the Clinton Presidential campaign: "change, versus more of the same." It had worked in the US not because it was clever, but because it resonated with large numbers of voters. I sensed from the start of the campaign that it was true of Israel as well. Different groups had different gripes, and different ideas of what they hoped I would provide as Prime

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Minister. But fewer and fewer Israelis were enthusiastic about four more years of Bibi. But I also was keen to convey the *substance* of what my premiership would be about. Domestically, I spoke of the need to narrow gaps in education and opportunity – particularly, though not only, the continuing disadvantage of many in the Sephardi communities who had arrived in the early years of the state. I wanted to try to build bridges between the secular and religious as well. My hope was to begin to recreate the "One Israel" of my youth.

In terms of policy, I believed my primary job would be deliver "security and peace" – in that order. I declared my commitment to continue, and build on, Oslo and to make a new push in negotiations with Syria. Deliberately following the model Philip Gould had used in Tony Blair's election campaign, we also distributed nearly a million copies of a six-point policy "pledge card". It included a promise to hold a referendum on any peace deal we reached with Syria or the Palestinians, as well as several domestic policy pledges, including an end to discrimination against Russian immigrants whose Jewish religious status had been called into question.

Yet the most widely reported promise was that I would pull out all Israeli troops from Lebanon within a year. I realized that even among those who knew that made sense, voices would be raised both in the Knesset and the *kiyra* against withdrawing. As with the Bar-Lev Line before the 1973 War, the longer the "security zone" was in place, the more difficult that politicians had found it to say it was a mistake. Yet it had now been there for nearly two decades. The main argument for keeping it – that it protected the security of northern Israel – was undermined by the fact that thousands of Katyusha rockets had been fired over it. And in the low-grade war we were fighting against Hizbollah inside the security zone, around 20 Israeli soldiers had been dying each and every year. When I'd first visited our positions in south Lebanon in the early 1980s, chatted with the troops and asked them how they were doing, the invariable response was: we're OK. We're just worried about our young kids back home. Now, those *children* were manning the same outposts, facing the same danger, in a sliver of land on which we had no claim, which we had no desire to hold, and which was, at best, of questionable security value.

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I'd tried not to pay too much attention to newspaper polls during the campaign, perhaps because even the "good" ones, to use Shimon's phrase, had me with just a narrow lead, with Yitzhik Mordechai's 10 or 11 percent still likely to prevent outright victory in the first round. But in the second part of May, our internal polling showed things were moving in our direction. In mid-May, they had me above 40 percent. A final batch of internal polls, on the Friday before election day, had me just short of 50 percent. But I told our pollsters that under no circumstances were they to divulge the results to anyone in the campaign team. This wasn't just because I wanted to guard against complacency. It was because, deep down, still I didn't trust the numbers.

I retreated to Kochav Yair on Friday evening. On Saturday, two days before the election, I had a surprise visitor, someone I knew from Yitzhik Mordecai's team. He said he had a letter for me, with terms of a proposal under which Yitzhik would announce an eleventh-hour withdrawal from the race. I still could not be absolutely confident I'd win, at least in the first round. Yitzhik's pulling out would help. But if I *did* win, I wanted to start the process of assembling a coalition with a blank slate and an open mind. Doing a deal was not the way to begin. I didn't accept or open the envelope. "Go back to Yitzhik," I said. "Tell him, as he knows, that I have a lot of respect for him. But this is a decision that he has to make on his own."

The next day, less than 24 hours before the polls opened, all of the three other candidates announced they were pulling out. Benny Begin and Azmi Beshara were never going to affect the outcome. But Yitzhik's withdrawal very possibly would. When he spoke to reporters, he said it had been one of the most difficult decisions he'd had to make, but that he'd concluded he wouldn't get enough votes to reach his "primary goal" of defeating Bibi. "The prime minister was given a chance and he failed," he said. "We must give Barak a chance."

I got up early on May 17, confident we'd done everything we could to put ourselves in a position to win, but also aware, from Shimon's defeat, that the smallest of details, and the narrowest of margins, might determine the outcome. After the 1996 election, I'd learned of cases where Peres volunteers outside polling stations in the Negev or the north of the country had left early, in order to make sure they'd be back to Tel Aviv in time for the "moment of victory." Now, I sent out word that all our volunteers must stay in place until the polls had closed. After

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Nava and I voted, we attended an event for Labor supporters north of Tel Aviv, before flying to Beersheva to spend the final hours in the Negev. I'd arranged for Shlomo Ben-Ami to go to Kiryat Shmona in the north – emphasizing, as throughout the campaign, our determination to broaden our support beyond Labor's heartland. The polls closed at 10 o'clock. I knew Bibi would be staring at the same Channel One newscast as I was, each of us ready to put the best spin on things, especially if there was no clear sign at this stage which one of us had won. But the exit poll findings came as a shock: Barak, of One Israel, 58.5 percent; Netanyahu, Likud, 41.5 percent. It was a landslide.

The full impact hit me only when I got to the fifth-floor suite in the Dan Hotel in Tel Aviv, our election-night headquarters. My three brothers, and Nava and our daughters, were waiting for me. Leah Rabin, too. Our eyes teared up as we embraced. My parents were by now too frail to come. But I'd promised to phone them, whatever happened. "We did it," I told my father, who said *mazaltov* with a depth of feeling which had become rare as his health began to fail. My mother had always been a bit conflicted about my going into politics, despite her lifelong belief that the *issues* of politics mattered, especially after Yitzhak had been cut down and killed for following the path on which I hoped to continue. Still, I could hear the pride, and relief, in her voice when I said: "Remember, *ima*. I did promise you that if I ran, at least I'd make sure to win."

When we'd finished speaking, Bibi called. He had conceded publicly as soon as the exit poll was out. He had also stunned the Likud crowd by immediately resigning as party leader. "Congratulations," he said, sounding, more than anything, tired. "I accept that the voters have spoken." I thanked him for taking the trouble to call. I said I appreciated the contribution he'd made to the country, and that we'd meet in the next few days to discuss how best to handle the political transition. "Thanks," Bibi said. "And again, mazaltov."

By the time I got off the phone with Bibi, the TV was showing pictures of tens of thousands of people celebrating the results in the central Tel Aviv square, now renamed in Rabin's memory, where he had been murdered nearly four years earlier. Before leaving to join them, I fielded a stream of calls: from friends, other Israeli party leaders and leaders from abroad, including Tony Blair and Bill Clinton, both of whom not only offered warm congratulations but said they looked forward to working with me as I tried to move Israel forward and to finish the work Yitzhak had begun.

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At the start of my brief remarks at the hotel podium before going to Rabin Square, I had to call for quiet when I mentioned the phone call from Bibi. "No," I said, raising my voice to be heard above the boos, "we will not boo an incumbent Prime Minister of Israel… A short time ago, I spoke with Prime Minister Netanyahu and thanked him for his service to the State of Israel." Then – with both Leah and Shimon Peres at my side – I paid tribute to "that one special person who had a unique role in our reaching this moment – somebody who was my commander and guide, and the person who led me into politics: Yitzhak Rabin. I pledged to fulfil his legacy, and complete the work he'd started. And I extended a hand to "secular and religious, the ultra-Orthodox and the residents of the settlements, to Israelis of Middle Eastern origin and Ashkenazi extraction, to immigrants from Eithopia and the former Soviet Union, to the Arabs, the Druze, the Circassians, the Bedouin. All, all of them, are part of the Israeli people."

It was not long before sunrise when I reached the square. As the crowd shouted and sang, I began with a line borrowed from Bob Shrum. It seemed particularly apt: "It is the breaking of a new dawn," I said.

But was it? As I paid tribute to Rabin – "in this place where our hearts broke" – and dedicated myself to completing the work he'd begun, I could feel the thousands in the square willing me on. Even in my more nuanced comments on the talks with the Palestinians: the need to achieve peace, but at least for now by disengaging rather than joining hands with the Palestinians, ensuring we had military and border provisions to safeguard our security, and with the stipulation that Jerusalem would remain our undivided capital, under Israeli sovereignty. But some in the crowd were carrying posters saying "No to the *charedim*" – the strictly Orthodox. Others were chanting, in anticipation of the negotiations needed to put together a coalition: *Rak lo Shas*! Anyone but Shas! It was a reference to the Sephardi Orthodox party, which in addition to being more nuanced and flexible than other religious parties on the issue of peace talks, had been the big winner in the election. It had gained seven seats and now had only two fewer than the Likud.

I did not specifically mention Shas. But I said: "I tell you here that the time has come to end divisions. The time has come to make peace among ourselves, whether we are traditionalists or secularists… We must not be enemies of each other." Paying tribute to all those in the square who had worked for our election victory, I added: "I know it would not have been possible without your support. But I also know it would not have been possible without the support many in the

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Likud. I appreciate that as well. And I undertake to be *rosh hasmemshalah shel kulam*: Prime Minister for *all* Israelis.

Yet as fervently as I hoped to be able deliver on that pledge, I knew, even as I spoke, that actually fulfilling it was going to be much, much tougher.

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Chapter Twenty

As Prime Minister, I would sometimes be criticised as emotionally buttoned up, even stoic, and there was some truth in that. It was partly just a reflection of who I was: a kibbutznik who'd grown up in the early years of the state, and had then spent most of his life in the army. But while it may not have shown, I felt a churn of emotions when I formally presented my government to the Knesset in July 1999 as Nava, our three daughters, her parents and mine looked on proudly from the gallery. Even more so, when I entered the office of the Prime Minister. I'd been there before: as head of military intelligence, chief of staff and a cabinet minister. Yet to sit behind the vast wooden desk and know that the buck now truly stopped with me – to become just the tenth person in Israel's history to have that honor – was very different.

What I felt most powerfully, however, wasn't the honor. It was the *responsibility*. I knew that Israel faced two deepening crises. The first was domestic. Though Yitzhak Rabin's assassin was now in jail, the divisiveness and hatred of which he was a product and symbol had not gone away. Nor had other rifts: between the privileged and disadvantaged, Ashkenazim and Sephardim, and, perhaps most of all, secular and religious. The second, more immediate challenge was on our borders. The peace process was stalled. If we were going to revive it, we were running against the clock. President Clinton, a key player in any hope of turning the promise of Oslo into real peace, had only 18 months remaining in office. In terms of Israel's security, the timetable was even less forgiving. From my very first intelligence briefings as Prime Minister, I was even more convinced of what I'd been warning Bibi for months: without a political breakthrough, a new, much more deadly *intifada* was only a matter of time.

That would have been reason enough to make peace efforts my first priority. But even as I was addressing the victory rally in Rabin Square, I sensed that the simple arithmetic of the election results would leave me no other choice. I was entering office with the largest electoral mandate in our history. But that was because of Israel's new voting system, with separate ballots cast for Prime Minister and party. That system had had precisely the opposite effect on party voting. In previous elections, most Israelis had chosen one of the two main parties, knowing that only they had a realistic chance of forming a government. Now they could directly choose the Prime Minister, giving them the luxury to vote in much greater

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numbers for an array of smaller, issue-specific parties. The result: though I'd won by a landslide, and One Israel had the largest number of Knesset seats, even with our natural left-of-center ally, Meretz, we would have only 36 Knesset seats – well short of the 61 needed for a majority. Even if we included a few smaller parties, there was no choice but to bring in one of the two larger ones: the Sephardi Orthodox Shas, with 17 seats; or Likud, which, after Bibi's sudden resignation, was now led by Arik Sharon, and had 19.

It wasn't just a math problem. It had a critical policy implication. If I wanted to tackle the *domestic* challenge – to reassert the values of secular-led democratic government over increasingly assertive religious involvement in our day-to-day politics – that would mean choosing Likud over Shas. But it would also signal the effective end of the peace process. Even though Arik assured me privately that he understood my determination to reopen peace efforts with Arafat and Hafez al-Assad, I *knew* Arik. The path toward peace agreements, assuming they were even possible, would be tough. Sooner or later – and certainly if we faced the need to consider painful compromises in the negotiations – I was certain that Arik would act as a kind of opposition from within. That was why, over the angry opposition of Meretz leader Yossi Sarid, I decided to go with the Sephardi Orthodox party. I realized that even Shas might walk out if the scale of any land-for-peace concessions proved too high. But it was the least extreme of the major religious parties on the question of peace with the Palestinians. In my conversations with the party's spiritual leader and guide, the 79-year-old rabbi and Talmudic scholar Ovadia Yosef, I was struck by his intelligence, erudition and subtletly of thought – but, above all, his commitment to the core Jewish principle of sanctifying human life over the specifics of Oslo redeployments, where his inclination seemed to be to trust the judgment of those with the experience and expertise to evaluate the security implications.

To Meretz's additional consternation, I included two smaller, right-of-center Orthodox parties in the coalition. It was not just to make good on my pledge to be Prime Minister for *all* Israelis. Knowing that I was going to put top priority on the peace process, I wanted to avoid an undiluted left-of-centre, secular thrust to the government. When I'd stood in front of the tens of thousands of cheering supporters in Rabin Square after the election, I thought to myself: they think that with Bibi gone, peace is around the corner. I wanted a coalition broad enough to keep Meretz, and Labor ministers as well, from forgetting a crucial fact: the

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compromises that we might have to contemplate during peace negotiations were still anathema to many other Israelis.

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Syria was always my first negotiating priority, as it had been for Rabin and, for a brief period, Bibi as well. This was not just because the shape of a final agreement with the Syrians was clearer, to both sides, than with the Palestinians. It was because I was determined to make good on the main specific policy pledge of my campaign: to bring our troops home from Lebanon. No matter what the increasingly emboldened fighters of Hizbollah said publicly, our withdrawal would be bad news for them. It would deprive them of their "anti-occupation" rationale for firing Katyushas into towns and settlements in northern Israel, and free us politically to strike back hard if that proved necessary. It was clear to me that Hizbollah would try to make the withdrawal as difficult for us as possible. But the real power in Lebanon rested with the Syrians, who, along with Iran, were Hizbollah's main backers. If we could get a peace agreement with Assad, there seemed every reason to hope he would rein in Hizbollah, and perhaps open the way to a peace treaty with Lebanon as well.

Still, there was no way of hiding an additional attraction in getting a deal with Syria first: it would increase our negotiating leverage with the Palestinians. That would certainly not be lost on Yasir Arafat – one reason that I realized the importance of an early meeting with him, to convey my commitment to keeping the Oslo process alive, and, if possible, achieving a full and final Israeli-Palestinian peace.

* * *

I went to see Arafat a few days after taking office. We met for well over an hour at Erez, the main crossing point into Gaza. It was swelteringly hot inside. At least I was in an ordinary business suit, but I couldn't help wondering how Arafat

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was coping in his trademark military uniform. Still, the mood music going into the meeting was encouraging. After the election, Arafat had tried to use his ties with the ayatollahs in Iran to get them to release 13 members of the tiny Jewish community in Shiraz who had been jailed on patently absurd accusations of spying for the "Zionist régime." Iran had told him no. Given its support for Hizbollah, and its serial diatribes about destroying the State of Israel, this was hardly a surprise. But it was a gesture nonetheless, and I told him I appreciated it. I also arrived with a gift: a leather-bound volume with both the Hebrew Bible and Koran. I began our meeting with what I felt I most needed him to hear: that both of us were trying to achieve something hugely important, nothing less than a new relationship between Israelis and Palestinians based on trust. As I would discover in the months ahead – as Yitzhak had found as well – Arafat responded warmly to such general appeals of principle. He replied that he viewed me as a partner, and a friend. But the key issue of substance – the difference between how I envisaged taking Oslo forward and what he wanted – was impossible to avoid.

I emphasized that I was committed to the further Wye River summit redeployments Bibi which had agreed, although not implemented, as well as to a release of Palestinian prisoners agreed at Wye. Yet then came the more difficult part: explaining my view of how we could best move toward a full peace agreement. I said I was convinced the prospects would be much better if we delayed the redeployments and brought forward the start of the real negotiations: on "permanent-status" issues like final borders, settlements, Jerusalem, refugees. In any case, I said, I'd need a few months for a thorough assessment of the issues involved, and to reach a settled view with my negotiating team on how to proceed. Arafat seemed to accept the idea of a pause for reflection and planning. But he held firm in his opposition to any further delay in the Wye redeployments. More worryingly for the longer-term prospects of an agreement, he ignored altogether my suggestion that we move ahead toward the permanent-status talks.

Speaking to reporters, I was careful to accentuate the positive. I said the reason I'd come to see Arafat so soon was because of the importance I attached to his role in "shaping peace in the Middle East." I said I would not waver in continuing on the path which Rabin and he and begun. And while the security of Israel would be my paramount concern in negotiations, "I also want each Palestinian to feel secure." Both sides, I said, had suffered enough. The open question, however, was whether *I* had done enough to persuade Arafat that his exclusive focus on

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redeployments – on only the *land* part of a land-for-peace deal – meant we risked ignoring the core issues that would determine whether a full peace agreement was achievable.

More urgently, I knew from our diplomats in the US that the Americans would not necessarily be receptive to a further delay in moving ahead with Oslo, even if it meant focusing on trying to make peace with Syria. That made my first visit to see President Clinton as Prime Minister especially important.

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It was billed as a "working visit" and work we did. After a gala dinner for Nava and me in the White House, we helicoptered to the presidential retreat at Camp David. President Clinton and I spent more than 10 hours discussing shared security challenges in the Middle East, especially terrorist groups and states like Iran that were backing them, and, of course, how best to move forward our efforts to negotiate peace. These face-to-face meetings set a pattern that would last throughout the time he and I were in office. On almost all key issues, my preference was to deal directly with the President, something I know sometimes frustrated other senior US negotiators like Secretary of State Madeleine Albright and Mideast envoy Dennis Ross. This was not out of any disrespect for them. It was because the *decisions* on which negotiations would succeed or fail would have to be made at the top, just as President Clinton and I would ultimately carry the responsibility, or the blame, for errors, missteps or missed opportunities.

Our first meeting ran until three in the morning. When the President asked me how I saw the peace process going forward, he smiled, in obviously relief, at my answer: I wanted to move quickly. He had only a limited time left in office, and I was determined that we not waste it. Much is often made about the personal "chemistry" in political relationships. Too much, I think, because the core issues, and the trade-offs of substance, are what truly matter when negotiating matters of the weight, and long-term implications, of Middle East peace. Still, chemistry does help when moments of tension or crisis arise, as they inevitably do. My first few days with President Clinton laid a foundation that allowed us to work together even when things got tough. I benefited, I'm sure, simply by not being Bibi. The

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president and his negotiating team had spent the previous few, frustrating years trying alternately to urge, nudge and cajole him – and, of course, Arafat – toward implementing Oslo. Clinton did finally succeed in getting the Wye River agreement. But it, too, remained to be implemented.

Nava's presence, and Hillary Clinton's, contributed to an informal, familial atmosphere. Before my first round of talks with the President, we joined Bill and Hillary for dinner. Though I would work more closely with Hillary in later years, when she was Secretary of State under President Obama, this was the first time I'd had the opportunity to engage in anything more than small talk with her. She was less naturally outgoing than her husband. Yet not only was she bright and articulate. She was barely less informed on the ins and outs of Middle East peace negotiations than the President. She, and Bill as well, also spoke with us about things well beyond the diplomacy of the Middle East: science, music, and our shared interest in history. What most struck Nava and me, however, was the way the Clintons interacted with each other. The scandal surrounding Monica Lewinsky was still fresh. I suppose we expected to see signs of tension. Whether they were there, we had no way of knowing. But what the two of them *did* palpably have was a deep respect for each other's intelligence, insight and creativity in looking for solutions where so many others saw only problems. It was impressive.

Still, there was little small talk in the long discussions I had with the President. From the outset, I wanted him to know exactly what I hoped we could accomplish and how, in my view, we were most likely to get there. I wasn't trying to impose "ground rules" on the President of the United States, something I neither would nor could do. But I was explicit with him about my own approach the negotiations. I assured him I was prepared to be flexible. But I said I'd be relying on two critical assumptions. The first was that when we and the Americans agreed a position on a specific issue, there would be no unilateral "surprises" – by which I meant, though didn't say, things like the unfortunate American redefinition of Yitzhak's "pocket deposit" assurance regarding the Golan. The second assumption, I know, may seem overly legalistic. It was that, until and unless we reached a full and final agreement with either Syria or the Palestinians, any Israeli negotiating ideas or proposals would *not* be binding. If no agreement was reached, they would become null and void. I wanted to avoid a situation, as had happened so often in past negotiations, where an Israeli proposal was rejected by the Arab side but then treated as the opening position in the expectation of further concessions in later

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talks. I did realize that, "null and void" or not, our proposals or suggestions would not simply disappear from memory. But I felt the point of principle was essential if Israel was going to be able to consider the kind of far-reaching concessions which final peace deals might require.

In the end, I realized that we might simply discover that Assad, and certainly Arafat, were not willing or ready to make peace. We might, initially at least, have to settle for a more incremental step. "Right here in Camp David, Begin, Sadat and Carter couldn't complete the process," I pointed out. "They signed a 'framework agreement' and it took months of further diplomacy to reach a peace treaty. Maybe we'll end up doing the same." But I told the President I was convinced that if we didn't *try* to get agreements, we'd have no way of knowing whether the will to make peace was there on the other side. Assad, I suspected, was the more likely to reciprocate. That was a major reason I wanted to start our efforts with him. But so far, his true intentions had never been *tested*, beyond his obvious determination to get back the Golan. Nor had Arafat's, beyond his focus on the detail and extent of West Bank redeployments.

President Clinton did not object to an early effort to reopen our efforts with the Syrians. But he was worried about the effects of ignoring the already-creaking prospects of fulfilling the promise of Oslo. If we were going to delay focusing on that, Clinton told me, he needed to be able to assure Arafat the wait would be worth his while. What could we *give* the PLO leader in return for putting off the Wye redeployments further, he asked. And then, the real question on his mind: "Ehud, when we get to the final redeployment and a peace deal, how much of the West Bank are you prepared to hand back?"

I simply didn't know at this stage. Much would depend on whether we could be sure Arafat could or would deliver a final peace. But even if I had known, I would have been reluctant to name a precise percentage. Though I had full trust in President Clinton, I knew that everything he and I said would be shared with at least a few of his closest policy aides and negotiators. Sooner or later, word would get to Arafat. When we did begin negotiations, he'd take whatever number I gave as a mere starting point. Still, I knew I had to signal the President that I was serious about negotiating with Arafat when the time came. I also knew the main source of his concern. In order to get the agreement at Wye, the President had signed on to a provision that the dimension of the third and final redeployment phase would be determined by Israel alone. By that stage, when we got there, Arafat would have

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control of something like 40 percent of the West Bank. That meant – at least in theory – that Israel could limit phase-three to a mere token pullout, leaving the Palestinians with less than half of the territory.

"I don't know what percentage, exactly," I replied. "But one of my cabinet ministers thinks that a formula of 70-10-20 would work, meaning 70 percent for the Palestinians, ten percent to allow us to retain and secure the largest of the settlement blocs, and the rest to be worked out in further talks." When he nodded, I added: "Peres thinks it could end up at 80-20, and says he thinks Arafat would find it hard to walk away from getting control of four-fifths of the West Bank. But it's not about the number. It's about the area needed for the major settlements, and whatever else is required to safeguard our security. Beyond that, we don't need a single inch of the West Bank, and we won't ask for a single inch."

I replied in much the same vein when President Clinton urged me to help kick-start new talks with Assad by formally reaffirming Yitzhak's "pocket deposit" on the Golan Heights. As with the Palestinians, I was not going to cede a major negotiating card – our only real negotiating card – before we had any indication Assad was serious about making peace. But I did feel it was necessary to reassure Clinton that *I* was serious. I told him that, if and when the Syrians showed real signs of readiness to address *our* needs in a peace agreement, I would reaffirm the "pocket deposit."

I'd come to Washington hoping that President Clinton would be with me on the main issues of substance. But what I needed most at this point was his support on the procedural decisions I'd made in order to get to real peace negotiations: engaging with Syria first, and shifting the emphasis on the Palestinian track away from the redeployments toward the core permanent-status issues we'd have to resolve in order to get a peace agreement. What emerged from my first meetings with President Clinton was essentially a trade-off. He knew I would be ready to make concessions in pursuit of genuine peace. I was confident that on the route that I was proposing to take, he would have my back.

But what I couldn't be sure of was whether my own government would have my back. On paper, we had a comfortable Knesset majority: 75 out of the 120 seats. But I knew it was inherently vulnerable, both to friction between the Orthodox parties and assertively secular MKs from Meretz and inside Labor, and to possible defections over the concessions we might have to consider in peace

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negotiations. The first stirrings of discontent had begun even before I went to see Clinton. On the basis of my commitment merely to *try* for peace, Arik Sharon had presented a no-confidence motion in the Knesset. It was never going to pass. But only days after I'd made him Interior Minister, Natan Sharansky let it be known he was going to vote against us. He didn't. He stayed away from the chamber, in effect abstaining. But I'd been put on notice.

I did lose my first coalition partner in September: the small United Torah Judaism party, with five Knesset seats. It wasn't over land-for-peace. In an echo of a similar crisis that brought down the government during Rabin's first spell as Prime Minister in the 1970s, it was over a violation of the Jewish Sabbath. It turned out that Israel's state electric company had been transporting a huge steam-condensation machine from the manufacturing site near Haifa to a power plant in Ashdod. The unit was the size of a small apartment. It weighed 100 tons. It couldn't be driven across the country without bringing weekday traffic to a standstill. The obvious solution was to do it when road use was lightest, on Shabbat. Precisely the same procedure had been followed – *24 times* – under Bibi. But when I asked a United Torah Judaism leader why he'd seemed happy when Likud had waved it through, he replied: "Past sins cannot pardon future ones." Eli Suissa, one of the Shas ministers in the cabinet, took his side, saying: "Every hour is good for the keeping of Shabbat." Most other ministers agreed with me that we should stand firm. So I did. But UTJ walked out of the government. Shas did remain. But I was now increasingly certain that at some stage its ministers, too, would leave.

In the midst of the Sharanksy rebellion, Haim Ramon, who was the minister in charge of liaising with the Knesset, insisted I "punish" him for his political grandstanding. "You should fire Sharansky. Act like a leader!" I just laughed. "The coalition doesn't need a leader," I replied. "It needs therapy." In truth, I suspected that if we ever got near to a peace agreement with Assad or Arafat, even therapy might not help. But that was a main reason that I'd promised a referendum on any final peace deals. I believed that in the choice between concessions, even painful ones, and a genuine peace deal with Syria or the Palestinians, by far most Israelis would choose peace.

I relied on a strong, close team around me, people I knew well and who shared my determination to stay focused on the central goal: to put Israel in a position where its citizens could be given that choice. I made Danny Yatom, my former

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sayeret deputy, my chief of staff. The negotiating team also included Uri Saguy, former head of military intelligence; Gilad Sher, a gifted lawyer I'd known for a quarter of a century and who had been a company commander in my armored brigade in the 1970s; and Amnon Lipkin, the paratroop commander at Chinese Farm and my successor as *ramatkal* when I left the army. Also, Shlomo Ben-Ami, the Moroccan-born, Oxford-educated historian and diplomat who had run against me for the Labor leadership. Shlomo had a gift for systematic analysis and keen judgement, especially on security issues, which I highly valued.

It did not escape the attention of Israeli commentators, or other politicians, that almost all of them were former soldiers whom I'd known from my time in uniform. But that observation missed a more important point: we were all members of the "generation of 1967 and 1973." We had been soldiers during the Six-Day War. In the years immediately after it, like almost all Israelis, we had allowed ourselves to believe that our victory had been so comprehensive, and so quick, that any threat from the defeated Arab states was gone for good. We assumed that inevitably, inexorably, they would realize they needed to sue for peace, and that there was no particular urgency on our part to do anything more than wait. Then, on Yom Kippur 1973, all of that had been turned on its head. We had not only learned the lessons, of 1973. We had internalized them. Even had we not known of the danger of a new Palestinian campaign of terror, the option of simply watching and waiting – and assuming that our military strength, which was now even greater, could make events around us stand still – would not have made sense to us. Besides, as I remarked to Danny and others, to do so would run against the founding purpose of Zionism: to establish a state where Jews would no longer be victims of events, but would take control of their destiny and try to shape them.

* * *

Yet making peace, like making war, takes two. Much as I'd wanted to begin with Syria, until well into the autumn of 1999 President Assad was holding firm on his insistence that without our "deposit," without a prior agreement that he'd get back the Golan, there could be no substantive progress. This was particularly frustrating because I was getting reports from our intelligence services, and

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Western envoys who had seen the Syrian president, that Assad's many years of health problems had left him almost skeletally frail, even at times disoriented.

Even my own negotiating team urged me to concentrate on the Palestinians instead. President Clinton kept stressing the importance of showing Arafat at least some movement on the Oslo front. In September 1999, I took a first, significant step in that direction. I agreed to a timetable that would deliver the Wye redeployments by the end of January 2000, while also committing us to negotiating a framework agreement, on the model of the Begin-Sadat Camp David accords, on the "permanent-status" peace issues. In early November, I joined Clinton and Arafat for talks around an event in Oslo – a deliberate echo of the optimism with which the peace process had begun, held on the fourth anniversary of Rabin's assassination. Both Leah Rabin and Peres came with me. Its centerpiece was a memorial service, at which Leah spoke very movingly of the need for both sides to finish the work Yitzhak had begun, a responsibility I pledged that we would do everything in our power to fulfill. Only Arafat struck a discordant note. He paired a tribute to Rabin with a polemic call for an end to "occupation, exile and settlements."

After the ceremony, he, President Clinton and I met at the American ambassador's residence. I was still struck by Arafat's public comments: by his apparent desire, or need, to play to hardliners back home in what was supposed to be a time to remember and honor Yitzhak. I didn't raise his remarks directly, but I told him that each of us was approaching a moment of truth for the future of our people. The decisions required wouldn't be easy politically, for either of us. "But if we don't have the courage to make them, we'll be burying thousands of our people." Worse, I said, those deaths would not advance his people's position, or mine, by a single inch. When future Palestinian and Israeli leaders did finally prove equal to the challenge of making peace, they'd be looking at the same conflict, requiring the same compromises. "The only difference will be the size of our cemeteries." Arafat nodded occasionally. But he said little, beyond saying that he considered Rabin to have been a friend, and repeating his now-familiar, nonspecific, pledge to "do what is necessary" for peace.

"The hardest part won't be the tough decisions in negotiations," I continued. "It won't be facing each other. It will be facing our *own* people." We would need to make the case openly, honestly, strongly that the peace agreement we reached was in the interest of both Israelis and Palestinians. And in this, each of us had a

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responsibility to support the other. With President Clinton looking on, I steered Arafat toward the window of the ambassador's fifth-floor apartment. "Look down," I said. "Imagine that we each have parachutes, and we're going to jump together. But I have my hand on *your* ripcord, and you are holding *mine*. To land safely we have to help each other… And if we don't jump, many, many innocent people who are now walking the streets of Gaza and Ramallah and Hebron, Tel Aviv and Jerusalem, will die." Arafat again just nodded, leaving me, and the President, unsure whether anything I'd said had struck home.

The true test of that would come only when we got to the stage of negotiations when the "difficult decisions" could not be evaded. Yet only weeks after I returned from Oslo, the focus did finally shift to the Syrians. President Assad suddenly signalled his willingness to resume talks without any preconditions – a message he delivered first to my British Labor Party friend Michael Levy, who was visiting Damascus as Tony Blair's roving Mideast envoy, and then to Secretary of State Madeleine Albright. Assad said he would send Syrian Foreign Minister Farouk al-Sharaa to meet me for initial talks in Washington in December, ahead of a full-scale, US-mediated attempt to negotiate peace at the start of the new year.

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The broad terms of a potential deal had long been clear, both to us and the Syrians. The danger was always that the process would get derailed, or never really get started, due to domestic political opposition. Syria had a tightly state-controlled media and an intelligence service concerned mainly with crushing any signs of dissidence. That meant Assad's main concern was to ensure broad support, or at least acquiescence, from top military and party figures. In Israel, however, every sign of a concession would risk igniting charges that we were "selling out" to Syria. The Likud and the political right would obviously denounce the idea of giving up the Golan Heights, even though Bibi had been ready to do just that when he was Prime Minister. But even on the left, there was little enthusiasm for returning the Golan. There were far fewer Israeli settlers there than on the West Bank, not even 20,000. But most of them, far from being religiously motivated ideologues, were Labor supporters. And almost no Israel, of any political stripe,

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viewed Hafez al-Assad as a natural partner for peace. For years, he'd been a constant, sneering presence on our northern border, denouncing not only Sadat but any Arab leader who'd shown willingness to engage or negotiate with Israel. Amos Oz, one of our finest writers and a cultural icon for Labor Zionists, probably put it best. He said the Syrians seemed to think that "we will give them the Golan, and they'll send us a receipt by fax." The consensus was: forget Assad. Keep the Golan. In fact, before I left for the US, the Knesset voted on whether it supported my attempt to negotiate an agreement with Syria. We could muster only 47 votes, 14 short of a majority. An opinion poll found only 13 percent of Israelis favored a full withdrawal from the Golan.

The message I drew from this was *not* that we should give up on the chances of a peace agreement. After all, before Begin and Sadat went to Camp David in 1978, an almost equally tiny minority of Israelos had been in favor of withdrawing from the Sinai. Yet once they had seen the other side of the equation – full, formal peace with our most powerful neighbor – the opposition all but evaporated. The problem I saw was that if we and the Syrians couldn't find a way to insulate our negotiations from leaks, speculation and a swirl of opposition to our efforts at home, we'd never *get* to the key issues of substance.

I'd been making that point to the Americans for weeks. At first, I tried to persuade them to hold the talks at Camp David, ensuring the same, media-free isolation that had yielded the historic Israeli-Egypt agreement. But Dennis Ross replied that the very association of Camp David with that breakthrough meant it would be a non-starter for President Assad. I then suggested we consider sites outside of the US: NATO's Incerlik air base in Turkey, for instance, a British base in Cyprus, an American naval ship in the Mediterranean. Even, half-jokingly, an abandoned missile silo in South Dakota. Yet the point I was making was serious, in fact critical, I believed, if the talks were going to have a chance.

In the end, the Americans settled on a beautiful, and undeniably remote, town in West Virginia called Shepherdstown. But from the outset, I was worried it couldn't provide the kind of environment we needed. As soon as our plane landed at Andrews Air Force base outside Washington, I got a call from the head of our advance team. He told me the news media were already there and that reporters – Israeli, Arab, American and European – could be seen chatting with American, Israeli and Syrian officials in the town's coffee shops. I knew the press would have to publish *something* about potential concessions as the negotiations proceeded.

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Whether the stories were true wouldn't matter. They would still make the real bargaining necessary for peace far more difficult, perhaps even impossible.

I also had doubts whether Assad was ready for real peace: embassies, open borders, personal contact between Syrians and Israelis, and ideally an internationally backed free-trade manufacturing area on the Golan to give Syria a tangible stake in ensuring the peace lasted. In earlier talks, under Shimon Peres, Syrian negotiators had at one stage brought a message from Assad. What did we *mean*, he wanted to know, with all this emphasis on peace, peace, peace? Syria had peace with *El Salvador*, but without any of the trappings we were insisting on. Peace, in Assad's mind, seemed to mean merely an absence of war. Plus, of course, getting back the Golan.

I did, however, come ready to negotiate. Though I was still not prepared to reconfirm Rabin's "pocket deposit" as a mere ticket of admission, my position remained essentially the one I had worked out with Yitzhak in formulating the deposit: IAMNAM, "if all my needs are met." Meaning that if Assad showed a readiness to deal with *Israel*'s requirements in a peace deal, I did, of course, recognize we would leave the Golan Heights. In addition to early-warning facilities, we envisaged an open border with a demilitarized area on either side, as well as guarantees that important sources of water for Israel would not be blocked or diverted. As Assad knew, despite his presumably feigned puzzlement about Syria's arrangements with El Salvador, we also needed the agreement to embody a mutual commitment to real peace: through elements like an exchange of ambassadors and the establishment of the free-trade zone. As with the Begin-Sadat peace, we assumed that our Golan withdrawal would come in phases, parallel to the implementation of the other provisions of the treaty.

In our initial meetings in Shepherdstown, Foreign Minister al-Sharaa showed no inclination even to talk about these other issues. So on the second afternoon we were there, I suggested to President Clinton the Americans try to break the logjam by drafting a paper of their own. It would detail all the issues in an eventual agreement, with parenthetical references to those on which we and the Syrians still differed. Then each side could respond with a view toward narrowing the gaps. The President liked the idea. So did Al-Sharaa. Three days later, the President presented the eight-page American draft. With his customary eloquence, he emphasized the need for us to use it as a springboard for peace, not to score political points, and each side agreed to take a couple of days to look through it. It

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seemed to me we might finally be on a path to substantive negotiations. There was obviously not going to be a deal at this round of talks, but I agreed with President Clinton that when they ended, he could phone Assad and tell him that I had confirmed Rabin's "pocket deposit."

Yet by the time we left for home, the prospects suddenly looked much worse – for the reason I'd feared from the moment we arrived. There were two major leaks. The first came in an Arabic-language newspaper in London. Given the thrust of the story, it had presumably come from the Syrians. But it was more annoying than truly damaging. The second leak, however, was in the Israeli newspaper *Ha'aretz*, which published the entire US negotiating paper. This was unwelcome for us, since it confirmed we were ready to go far in return for peace. But for the Syrians, the fact the final-border section was still a work-in-progress, with the parentheses to prove it, created the impression that they'd decided to negotiate the details of a full peace without first nailing down the return of the Golan Heights. Assad's image as a strongman, implacably tough on Israel, had been built and burnished over his three decades in power. The embarrassment of being seen as amenable to talking about a Syrian embassy in Israel *without* an agreement on the Golan struck me as a potentially fatal blow to the prospects for a deal, since it dramatically narrowed the scope for the flexibility needed by both sides to negotiate. I can't say I was surprised when Clinton phoned me when we got back to Israel to say that Assad had refused to send Al-Sharaa back, as planned, for a further round of talks in 10 days' time.

I didn't give up, however, and neither did President Clinton. In February, at the Americans' request, I sat down with Danny Yatom and US Ambassador Martin Indyk in Jerusalem to draw up a "bottom line" proposal on a withdrawal from the Golan Heights. Since I'd already empowered Clinton to reaffirm the "pocket deposit", I saw no reason not to do this. If only because of Assad's failing health, I believed it was the only way we could know whether an agreement was possible. We worked on a large satellite map of the Golan and the valley below, and drew our proposed border in red. We marked out a strip of several hundred meters on the far side of the Sea of Galilee. It included, or came near to, a handful of Syrian villages that had been there before 1967. But we were careful to adjust the line to exclude any area where buildings had stood. We compensated – with slightly more territory – by bending the border westward to give the Syrians part of the slope overlooking the lake, in what was now Israel. We also included the hot springs at

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al-Hama, which I knew Assad had said he considered rightfully Syrian during talks held under Rabin.

But the details turned out not to matter. President Clinton agreed to present the map to Assad in what we both hoped would be a step to reopening the path for peace. The two of them met in Geneva in late March. Though the President also came with full details of our positions on the other negotiating issues, he began by telling Assad that I had agreed to the Syrians' longstanding point of principle on our future border: it would be "based on the June 4, 1967 line" before the Six-Day War. Then, the President unfurled the map.

It was shortly after five in the afternoon in Israel when Clinton phoned me. He sounded as if he'd been punched in the stomach. "Ehud, it's not going to work," he said. "The moment I started, he tuned out. He just said: 'Do I get my land?' I tried to get him to listen, but he just kept repeating: 'Do I get all my land?' According the President, Assad would countenance nothing less than being able to sit on the shore of the Sea of Galilee and "dip his feet in the water." Clinton said he'd done his best, and that was true. "I understand the effort is over," I replied. "Probably, he's too frail and ill by now." In fact, Assad would die of leukemia barely two months later. His immediate focus was on ensuring an uncontested succession to his son, Bashar.

When Dennis Ross came to see me in Jerusalem, I think he expected to find me more distraught than I felt. Of course, I was disappointed. But I told him I was grateful that Clinton had stayed with a negotiating effort that had been frustrating for all of us. When I became Prime Minister, I'd assured the Americans that as long as our vital security interests were protected, I was ready to go further than any previous Israeli leader to get peace with Syria, and with Arafat too. I might fail, but it would not be for lack of trying. I believed that even a "failure" would tell us something: whether the other side was truly ready for peace. With Syria, I told Dennis, "It's not what we hoped for. But at least now we know."

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My own negotiating team, not to mention the Americans, assumed I would now turn my attention to the Palestinians. Arafat was pressing for us to go ahead with phase-two of the Wye redeployments. In fact, he now wanted us to add the transfer of three Arab villages on the edge of east Jerusalem: Eizaria, El-Ram and, most importantly, Abu Dis, since from there you could see the golden dome of the mosque above the Western Wall in the Old City. I understood why the villages were politically important for him. But in practical terms, I also knew I'd have to secure the support of the cabinet and the Knesset for what the Likud, and the main religious parties too, would interpret as a first step toward "handing back Jerusalem."

For me, this underscored the problem at the heart of Oslo. We were transferring land to Arafat, yet still without any serious engagement from the Palestinians on the "permanent-status" questions, like the furture of Jerusalem, that were critical to the prospects for real peace. They were critical, in fact, even to reaching a framework agreement, or a declaration of principles, as a basis for a final treaty. I probably should have seen the crisis-ridden spring of 2000 as a harbinger of the difficulties when we finally got to that stage. I did make a first major effort to find compromise ground on the main issues. I sent Gilead Sher and Shlomo Ben-Ami to begin back-channel talks with a Palestinian team led by Abu Ala'a and Hassan Asfour, the architects of Oslo. But as I prepared to seek Knesset approval for returning the three additional villages to the Palestinians, my main Orthodox coalition partners, Shas and the National Religious Party, as well as Sharansky's *Yisrael ba'Aliyah*, all threatened to walk out of the government. I did manage to keep them on board, but only by getting the Knesset vote classified as a no-confidence motion. That meant that if we lost, the government would fall and there would be new elections. That was something none of them wanted. They feared that Arik and the Likud would do better this time around, and they would end up with fewer seats.

Still, even that didn't avert a different kind of crisis. The vote was on May 15. For the Palestinians, this was also *Al-Naqba* Day, the annual marking of the 1948 "catastrophe" of the founding of the State of Israel. Danny Yatom told me the night before there were intelligence reports of large protests planned for the West Bank and in Gaza. President Clinton immediately got the American consul to deliver a message to Arafat, saying that the President expected him to intervene against any sign of violence. But Arafat's reply was that, while he'd do what he could, he

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couldn't guarantee anything. In the months ahead I would come to understand what that meant, because it would happen again. I don't think Arafat himself orchestrated the violence. Maybe he couldn't have stopped it completely. But I have no doubt – nor did President Clinton – that he stood aside and let it happen.

Even worse – since he *did* have control over them – his security forces, with arms that Israel had provided as part of Oslo, fired on our troops as they tried to keep order. All of this, while I stood in the Knesset battling to get approval to give him the villages. As news arrived in the chamber of gunfire just a couple of miles away, it was not just Likud or other right-wing MKs who were furious. I certainly was. Yet I also knew that the price of losing the vote would be the fall of the government. We did win the vote, by a margin of eight, meaning that I now had full authority to return the three villages. Fuming over what had happened, however, I called President Clinton and told him I was going to delay the handover. I was not about to return the villages under gunfire, or reward Arafat for breaking even his existing security commitments.

That meant that prospects for serious negotiations with the Palestinians were again on hold. But another, immutable, priority would probably have delayed any new initiative anyway: my pledge to get our soldiers out of Lebanon within a year of the election. I was determined to go ahead with it not just because I'd promised Israelis to do so. It was because I knew from experience that without setting a deadline and sticking to it, it wouldn't happen. I had been against keeping the security zone from the start. Over the years, many Israelis, both inside the military and beyond, had come to accept we would be better off pulling out. It wasn't just the attritional loss of Israeli soldiers' lives, but the fact that there was no obvious point, and no obvious end, to our mission there. Especially when major tragedies occurred – like the collision of two Israeli helicopters a couple of years earlier, leaving scores of young soldiers dead – there was *talk* about a withdrawal. Yet there was always a reason to reconsider, to put it off: a Hizbollah attack in the security zone, accusations of weakness from right-wing politicians, or simple caution in the *kirya*. The only way to get it done was to decide, and to do it.

My self-imposed deadline for the pullout was now just eight weeks away. Hizbollah had already begun escalating pressure on our outposts in south Lebanon with the obvious aim of making the withdrawal as difficult as possible. They were also targeting our local surrogates, the Maronite-led South Lebanese Army militia. I'd been meeting regularly with Shaul Mofaz, the former paratroop officer who

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was now chief of staff, to ensure we had a plan to get our troops out as quickly and safely as possible once the order was given. But complex though the operational issues were, that was not the most difficult part. The withdrawal had not just a military aim, but a critical political one: to denude Hizbollah, with full international support, of its "occupation" fig-leaf for targeting and terrorizing the towns and villages of northern Israel. Shaul and a number of other generals in the *kirya* tried to make the security argument for keeping several small hilltop outposts just north of the border. But I insisted not a single Israeli soldier or emplacement remain on Lebanese soil. Throughout the spring, we had been coordinating every detail of the planned pullout with UN cartographers on the ground, to ensure that they, too, recognized it would be a *full* withdrawal to the border, fulfilling the terms of the Security Council resolution adopted after the 1982 Lebanon War.

Ordinarily, an operation on this scale would have been carried out over a period of weeks. But when we handed over a pair of military strongholds to the South Lebanon Army, and Hizbollah promptly moved in to take them over, it was clear that even several days might risk chaos, and casualties, as we left. The head of the northern command now supported an immediate withdrawal, and I agreed. Frustratingly, we did have to hold off for a further 36 hours, in order to ensure the UN staff on the ground could complete their verification process. But on the afternoon of May 23, alongside Shaul Mofaz at a command post on the border, I ordered the pullout of all Israeli troops, vehicles and other equipment within the space of 24 hours. I then flew back to Jerusalem for an urgent meeting to secure formal cabinet approval. The field commanders ended up getting it done in *less* than 24 hours, mostly overnight, without a single Israeli casualty. For nearly two decades, our troops had been serving and dying on a strip of land on which we had no claim, no settlements, and for which there was no rational security need. Finally, we were out.

As I should have anticipated, there were accusations from Hizbollah and its allies that our UN-verified withdrawal was incomplete. At issue was a cluster of villages where Lebanon meets Syria, known as the Sheba'a Farms. But as I knew first-hand, they were not part of Lebanon. I'd met their Syrian inhabitants when I helped "capture" the villages at the very end of the 1973 war on the Golan. When Syria now publicly supported Hizbollah's efforts to get the UN to say the area was in fact part of *Lebanon*, I decided to call their bluff. Through the Americans, I

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suggested that Damascus confirm in writing that this part of the Golan was indeed Lebanese. The Syrians never responded.

Equally predictable were the prophets of doom on the Israeli right, who said the Lebanon withdrawal would bury northern Israel in Katyushas and in blood. The reality was that in the half-dozen years following the pullout, the Israel-Lebanon border was quieter than at any time since the late 1960s. The main personal impact of the withdrawal, however, was to remind me of why I'd run for Prime Minister in the first place. Despite the challenges, and inevitable setbacks and frustrations, of my first year in office, I was in a position to act on what I believed to be critical issues for my country's future. On Lebanon, I'd succeeded, mainly because the withdrawal was something we could do unilaterally. With Syria, I'd tried hard to get an agreement, only to find that Assad was unwilling, unable, or perhaps too ill to join in the search for a deal.

I still recognized, however, that no issue was more important to Israel's future than our conflict with the Palestinians. I knew that resolving it would be even tougher than the talks with the Syrians. But the only way to find out whether peace was possible was to try. So on the final day of May 2000, with the Lebanon pullout complete, I flew to Portugal – the site of a US-European summit – to see President Clinton.

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Chapter Twenty-One

President Clinton and I met the next morning. My aim was to persuade him that the time had come for a make-or-break summit with Yasir Arafat.

I suspected it would not be easy to convince him, and it wasn't. But I made the argument that if we were to have any hope of moving Oslo forward, we now faced a stark choice. We were three years behind the timeline for starting work on a "permanent status" agreement, and only six months from an American election that would choose President Clinton's successor. We could, of course, pursue the Oslo process along its current, meandering path. But even though Bibi had slowed it down, that would inevitably mean Israel handing back yet more West Bank land to Arafat – in return for familiar, but still unfulfilled and untested, verbal assurances that he wanted peace. Each successive Israeli withdrawal reduced his incentive to engage of the core issues like final borders, refugees, or Jerusalem. I could not in good conscience justify that, either to myself or my country. The second option was the summit. I realized there was no guarantee it would succeed. But it *would* finally force Arafat to negotiate on the core issues – before the departure of an American President who had a grasp of the all issues and characters involved, and a personal commitment to converting the promise of Oslo into a genuine peace.

The obvious political risk, for both Clinton and me, was that after convening a summit – with all the heightened expectations and pressures it would bring – we'd fail to get an agreement. Though I'd be more directly affected, however, it was a more straightforward choice for me. In part because I'd been in front-line politics so briefly, but mostly because of what I'd done for the three-and-a-half decades before then, I viewed the *political* risk as just one of many, and by no means the most important. That was an obvious weakness in me as a traditional politician. I would indeed pay a political price later on for having given too little heed, and perhaps underestimated, the reaction in Israel to the summit and what came after it. Yet as I tried to impress on President Clinton, there were risks in *not* holding a summit as well, along with the obvious reward of a full and final peace if it succeeded. If it failed? At least we would know a peace agreement with Arafat was impossible. In fact, amid the diplomatic drift since Oslo, it was clear there was no other way that we *could* know.

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Walking with the President in Lisbon's spring sunshine, I tried to summon up an image that would bring both of us back to the starkly different reality of our conflict with the Palestinians. Only two weeks earlier, Arafat's own police force, with weapons *we* had given them, had opened fire as I was trying to get Knesset approval for returning three villages that *he* wanted. After I took office, I'd ordered a full-scale intelligence review of the security situation with the Palestinians. The sobering conclusion had been delivered to me six months earlier: plans were well underway by cells in the West Bank and Gaza for armed attacks against Israeli soldiers and terror strikes inside Israel. "It's like two families living in the same house, and it's on fire," I said. "All of us are rushing to put it out. But there's this veteran firefighter who arrives on the scene – *a firefighter with a Nobel Peace Prize* – and we have no way of knowing whether he's got matches and gasoline in his pocket." We had to find that out, I said. We had to establish whether we were *all* firefighters, and could put out the flames.

Clinton and I had got to know each other well. In one-on-one conversations like this, we called each other by our first names, though I was careful to address him as "Mr President" when others were there. We'd been through a lot together. I had no doubt that he wanted to put out the fire every bit as much as I did. But I also realized he had emerged frustrated, and bruised, from our last joint effort at peacemaking: with Hafez al-Assad. I was the one who had been pushing the hardest for him to meet Assad in Geneva, over the objections of some of his closest aides that it was likely to go wrong. Not only were the aides right. Assad had ended up delivering an extraordinary personal rebuff to the President of the United States. Now, I was again asking President Clinton for a summit, and I knew Madeleine Albright, Dennis Ross and others would be highly sceptical. "I understand they'll have doubts. I understand their reading of the risks," I told President Clinton. "But I'm convinced crucial issues are at stake, which justify the risks. Let's move forward."

But Clinton was skeptical, too. He said that without some sign of diplomatic progress between us and the Palestinians, he could see no way of holding a summit. With Arafat due to see him in Washington in a couple of weeks, he said that I first had to give the Palestinian leader *something*: the three villages, a prisoner release, or perhaps unfreeze tax revenues which we'd been holding back as leverage for at least some progress on the core issues. Otherwise, Clinton said he was certain Arafat would refuse to attend a summit. And even if he said yes,

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Clinton felt we would need a draft document with broad areas of agreement before a diplomatic "endgame" could begin. I disagreed on that. I argued that if we tried to produce such a document, there would never be a summit. In fact, we'd never get a draft document worth anything. "Neither side is going to commit itself on issues like borders, refugees, or Jerusalem," I said, pointing out that even in our back-channel talks, the only forum in which there had been a hint of progress, those issues had barely been touched.

He did accept that "pre-negotiation" would never crack the main issues. But he still said that before he could contemplate a summit, he would need Madeleine Albright and Dennis Ross to talk in detail with us and the Palestinians. "There had to be a firm basis to work on," he said. Even then,m he said, he was almost sure Arafat would resist the idea of a summit. And on that last point, he proved right. I spoke to the President by phone after Arafat's trip to Washington. "He thinks you're trying to trap him into a summit, and that when it fails, I'll blame *him*," he told me.

The very next day, the stakes increased dramatically. For months, military intelligence had been warning of the potential for violence if we couldn't find a long-term political resolution of the Palestinian conflict. But the report which landed on my desk on June 16, 2000 was more specific. It said Arafat had called in his security people and said: "My strategic understanding is that Israel is not interested in reaching a deal. Therefore, we are preparing ourselves for a violent and prolonged confrontation." A few days later, we got an even more worrying report, saying the security officers had been told to begin "intensive training." Arafat was quoted as saying: "The Palestinian Authority is confronted by a strong and dangerous Israel, headed by a Prime Minister who is not interested in real peace. The proof of that is that when he was Chief of Staff, he was the only senior officer to oppose the Oslo Agreement." I summoned my security team: Mofaz as chief of staff; the heads of military intelligence, Mossad and the Shin Bet. I told them that Arafat was wrong. My inalterable "red line" would always be Israel's national and security interests. But as long as those were protected, I wasn't just interested in reaching an agreement with the Palestinians. I was determined to do everything possible to try to get one. But I also said that we had to make sure we were fully prepared for responding to "Palestinian violence and, at some stage, full-blown terror."

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A few days later, the "pre-endgame" around the summit began. Not in Washington or Jerusalem or Ramallah or Gaza, but in Kochav Yair. Nava and I still spent almost all our weekends there. We valued the quiet, or at least the slightly quieter, time away from Jerusalem or Tel Aviv. Some of my oldest army friends lived there as well: Danny Yatom, as well as Shaul Mofaz and Uzi Dayan, who was now deputy chief of staff. Newer colleagues, too, like Yossi Ginossar, a Shin Bet veteran who spoke fluent Arabic and, after working in the West Bank and Gaza in the late 1960s became one of the first Israelis to hold secret talks with Arafat, building up a personal relationship with him. Under both Rabin and Peres, he had been a valuable liaison with the Palestinian leader. Nowm under my Premiership as well.

The summit seemed to me more important than ever, but I knew that only President Clinton could make it happen. Short of giving the Palestinians the whole list of short-term rewards they wanted, including the three villages, I knew Arafat was never going to be enthusiastic. But if Clinton was persuaded that a peace agreement was within reach, I had confidence he would make the effort. I had allowed Gili Sher and Shlomo Ben-Ami to go to Washington the week before for exploratory talks with Dennis Ross. Shlomo, as I knew he'd done in the back-channel talks with the Palestinians, had gone beyond anything that I would or could say at this stage in order to probe the edges of where an eventual compromise might be possible. Now Clinton had sent Dennis to Israel, with Madeleine Albright to follow at the end of the month, and I had to assume that their impressions would be critical to his decision on whether to bring me and Arafat to Camp David.

We agreed to meet Dennis and his team at Danny's house in Kochav Yair. By the time I'd made the pleasant Shabbat-afternoon stroll from our house, a few streets away, they were in the back garden sipping lemonade and munching on popcorn. I'd met often with Dennis during my year as Prime Minister, and I liked him. He was smart, knowledgeable and experienced. He'd worked under three US Presidents: Carter, Bush Senior and now Clinton. No American diplomat had been more indefatigably involved in the search for Middle East peace. And whatever his occasional frustrations, he also recognized I was ready to go further than any

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previous Israeli leader in trying to get that peace.

I knew that he would press me to tell him how far that actually was. He didn't ask directly. But each of his ostensibly theoretical questions was aimed at establishing whether I could give him enough for a summit to bridge the gaps on key issues. Could I accept a "trade-off between sovereignty and time?" Translation: could I give the Palestinians sovereignty over a larger part of the West Bank if we signed an agreement that would phase in their control? Could I accept the principle of land swaps? This meant giving Arafat land in areas bordering the West Bank, or in the Negev near Gaza, to compensate, at least partially, for the area we would keep for the major settlement blocs. What about applying my principle of "disengagement" between Israel and the Palestinians to Jerusalem? Meaning Arafat getting control of the predominantly Arab neighborhoods in the east of the city.

Dennis knew my long-standing reluctance to commit to concessions until we got to real, final negotiations with Arafat. "We'll not reveal anything you tell us," he assured me. "We won't turn what you say into opening negotiating positions for Arafat. But if there is going to be a summit, the President wanted some answers." To Dennis's frustration, however, I could give him no specifics, beyond telling him: "You know me, Dennis. You know I'm serious about this. Of course, we will protect our vital security and national interests. But the problem in making peace won't be us, on the Israeli side, as long as Arafat shows a capacity and a will for decision." The translation of *that*, as I hoped and trusted he understood was that if and when Arafat demonstrated that he wanted a comprehensive peace between a new Palestinian state and the State of Israel – a definitive "end of conflict" as the international lawyers would describe it – I would place nothing, except our security and core national interests, in the way of getting an agreement.

Madeleine Albright visited at the end of June. When she came to see me a day after meeting Arafat, she carried a request from the Palestinian leader: two weeks of "preparatory" talks before a summit. Again, I knew her mission was to bring back enough progress for the President to feel a summit was worth it. But again, I couldn't give her what she wanted. "I know what will happen in preparatory talks," I said. "We'll raise new ideas, which the Palestinians will reject, and ask for more." I don't know what she told Clinton, or Arafat. But Dennis called me the following day. He said that Arafat had agreed to attend a summit, and would leave the date up to the President.

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When Clinton phoned me at the beginning of July, however, he still hadn't finally decided to hold the summit. I needed him to know that, on my side, he'd have a truly willing partner, aware of the political risk he'd be taking. Like Dennis, the President tried to probe my position on land swaps, and Palestinian sovereignty for at least some Arab neighborhoods in Jerusalem. Finally, he asked if I would rule out those possibilities if they represented the difference between success or failure at a summit. I did not give him a definitive "yes." I said we could think through those issues together. But when he phoned again, on July 4 from Camp David, I felt I had to go further. I said that, for his ears only, I was willing to give him the assurance that, assuming that Arafat was willing to move toward us on core issues, I would consider limited, symbolic moves on both land swaps and Palestinian sovereignty in part of East Jerusalem.

Clinton replied: the summit was on. It would begin at Camp David in one week's time, on July 11.

* * *

Two days before leaving for the US, I brought my ministers together. "We can't know what will happen at a summit," I said. "But we have a responsibility to give it a chance, and recognize the situation in which we find ourselves. If we sit idle and don't even try, we'll face an eruption of violence, and never know whether we could have avoided it. If, God forbid, we fail to reach an agreement, there will also be violence. We will face a new reality more difficult than you can imagine. But if we do manage the strike a deal, we are going to change the map and history of the Middle East." I reminded them it would be up to Israelis to say yes or no, in a referendum, to the terms of any agreement we negotiated. "If we achieve a breakthrough, I'm confident they will do so, by a landslide."

I said I would hold fast to a number of principles. There would be "no return to the 1967 lines," meaning that we would draw a new border with the West Bank to accommodate the largest settlement blocs. They were mostly around Jerusalem, or just beyond the 1967 border. In practical terms, over the years they had become part of Israel. Tens of thousands of people lived there. As the Americans and even the Palestinian negotiators recognized, no Israeli government, Labor or Likud,

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would agree to make them part of a Palestinian state. The second principle was that "Jerusalem will remain united." It would not be cut into Jewish and Arab halves as had happened between 1948 and 1967. That, I knew, might prove tougher to carry through on. But even if I had to concede a degree of Palestinian control in parts of east Jerusalem, I expected to be able to retain Israeli sovereignty over the city. The third principle was that there would be "no foreign army west of the Jordan River." In other words, if we did hand back at least the major part of the West Bank, it would be demilitarized and we would have security control over the Jordan Valley. Finally, we would not "accept responsibility for the birth of the refugee problem and its solution." Though there could be a "right of return" into a new Palestinian state, we would not agree to rewrite the history of the 1948 war by sanctioning the resettlement of hundreds of thousands of Palestinians inside the State of Israel.

I think it was the very fact we were talking about a comprehensive peace agreement that made it so hard for my Orthodox and right-of-center coalition partners. They didn't see the attraction of coming to final terms of peace. They knew it would mean concessions. There *would* be a Palestinian state. We *would* give up the great majority of Biblical Judaea and Samaria. While most of the settlers would remain, since they lived in the major blocs, those in more isolated settlements around the West Bank would have to be moved. They saw the prospect of a final peace only in terms of what we were giving up. They didn't see what we would *gain*: not just peace, and international recognition and endorsement for it. But normalcy: the central aim of Zionism. Jews living in a state like any other. Ever since 1967, we had been in control of the daily lives of hundreds of thousands of Palestinians on the West Bank and in Gaza. That was bad for them. But it had been bad for us too. *Fifty-two* years after the birth of our state, we still didn't have a permanent, internationally recognized border. Rather than dealing with our economic and social issues like other states, we were beset by internal divisions that were in no small part a result of our unresolved conflict with the Palestinians.

Shas, the National Religious Party and Sharansky's *Yisrael ba'Aliyah* were all threatening to pull out of the government because of the summit. Nothing I said could change their minds. Sharansky was the first to declare he was leaving. A few hours later, Shas and the NRP followed suit. If the Likud mustered the required 61 votes for the no-confidence motion it was introducing before I got on the plane to the US, the government would fall. If the parties that had left the coalition, with a total of 28 seats, went along with Arik Sharon, it wouldn't be close. As if that

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wasn't enough, David Levy, my Foreign Minister, told me he would not be joining me at Camp David. He wasn't resigning, at least not yet. But he knew that the final decisions at the summit would be mine, he feared it would fail, and didn't want to share in the consequences.

None of this meant I wasn't going. Even if the no-confidence vote succeeded, the new Israeli electoral system, with its separate vote for Prime Minister, meant I would remain in office, at least until the summit was over. In a nationally televised message, I reminded the country that I'd been elected with nearly two million votes. I felt I had a responsibility, and a mandate, that went beyond party politics. "I must rise above the political arguments, and seek out all possibilities on the way to a peace agreement that will end the conflict, and the blood, between us and our neighbors." I made the same points before the Knesset. I did, of course, want parliamentary support. But I was acting on a mandate from the *people* of Israel. It was they, in a referendum, who would ultimately decide on anything we might agree. When the Knesset votes were counted, thanks to the fact two dozen MKs abstained, both sides lost. Arik fell seven votes short of a majority. So the government survived. But those opposed to the summit got more votes than we did: 54 to 52.

There were several consolations as I prepared to fly out from Ben-Gurion airport. Shas leader Eli Yishai passed me an envelope on the tarmac. Inside was a note from Rabbi Ovadia Yossef, the Shas spiritual leader whom I'd met with privately after the election and a number of times since. He wanted to wish me good luck. Nearly 30 reserve generals also issued a public message of support. Perhaps most encouragingly, a newspaper poll found a majority of Israelis – 55 percent to 45 – believed I was right to go to Camp David and that I had a mandate to make concessions in return for peace.

David Levy came over to talk before I boarded. "I doubt we'll get an agreement," he said. I told him what I was telling other ministers, what I'd told reporters and, in fact what I had told Nava. "The odds are fifty-fifty." The reporters took this as coy, or deliberately deceptive. So I added that it was not because I knew something they didn't. "It's because there are two possible outcomes, and I don't know which one will happen." The gaps of substance were bridgeable. The question was whether both sides wanted peace, and whether each had made a serious, strategic decision to go for it. I'd made that choice. But I had no way of knowing whether Yasir Arafat had.

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I *was* confident of finally answering that question at the summit. Camp David was different from Shepherdstown. No reporters would be there. Mobile phones were banned. Each delegation had one landline. We'd also be operating under a time constraint. President Clinton was due to leave for a G8 summit in Japan on July 19. The gave us barely a week. I did wonder whether that would be enough, even if both sides were committed to reaching a peace agreement. Yet I hoped it would at least provide the possibility, as it had for Begin and Sadat twenty-two years earlier, to reach a framework agreement that open the door to a final peace treaty.

Not just the time, but the numbers were limited. We and the Palestinians could have only a dozen members in our negotiating teams. Some of my choices were automatic: Danny Yatom; Shlomo Ben-Ami, whom I'd made acting Foreign Minister in Levy's absence; Amnon Lipkin and Attorney-General Elyakim Rubinstein; Gilead Sher and his chief negotiating aide, Gidi Grinstein. I also took along a strong security team, including Shlomo Yanai, head of strategic planning the *kirya,* and Israel Hason, a former deputy-head of Shin Bet. There was another important, if less obvious, inclusion: Dan Meridor. A leading member of the Likud before he'd formed the Center Party at the last election, Dan was not just a friend. He was a man of rock-solid integrity, with a strong moral and ethical compass, who put principle over party. He was also a lawyer, and had been Minister of Justice under Bibi. Along with Attorney-General Rubinstein, I knew I'd have a gifted legal team if we got to the point of considering the specifics of a peace agreement. There was another consideration as well. Both Dan and Elyakim were right-of-center politically. I felt I needed their voices as a kind of litmus for the tough decisions, and concessions, I might have to consider if an agreement did prove possible.

I was not nervous as we crossed the Atlantic, though even those who knew me best assumed I would be. Nava had sent me off with a list of dietary instructions, almost like a surgeon general's warning that Camp David might prove hazardous to my health. But I felt prepared. I'd gone to every source I could find about the Begin-Sadat summit. I knew there would be periods of crisis and that at certain points I'd have to allow leeway for my own team to explore possible compromises beyond our set negotiating limits. Yet none of this altered my belief that holding the summit was the right thing to do, nor my confidence in being able to play my part. I did feel a huge responsibility. Decades after our conflict with the

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Palestinians had begun, seven years after Oslo, I was making an attempt, with the participation of the President of the United States, to shape the final terms of peace. I knew I carried the conflicting hopes and fears of Israelis with me.

And the odds really were 50-50. Either we'd come home with an agreement, to be placed before the country in a referendum. Or we would know that, at least for now, it was beyond reach.

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Chapter Twenty-Two

If I believed in omens, I might have turned back as soon as we got to the summit. We reached Camp David a little before ten at night on July 10, after helicoptering from Andrews Air Force base near Washington. When we arrived, it was pouring with rain. The cabin assignments were also a surprise. I was given the one that Anwar Sadat had at the first Camp David summit in 1978. Arafat got Menachem Begin's. Still, the cabins themselves, each named for a tree, were large and pleasant. Mine was called Dogwood. It had a bedroom, two large sitting rooms and a terrace. I took it as a good omen that it was the same one where Nava and I had stayed during our visit with the President Clinton and Hillary right after I'd become Prime Minister.

With just eight days to address the core issues of decades of conflict, we got down to work the next morning. Clinton began by meeting Arafat, as I went through the Americans' strategy for the negotiations with Madeleine Albright, Dennis Ross and Martin Indyk. Then I met the President in his cabin, which was called Aspen. He told me that while Arafat still thought I was trying to "trick him" into an agreement, and didn't think we'd necessarily get a deal, he did accept I was serious about trying. My fear was still the opposite, that Arafat was not serious. Yet my hope was that the isolated environment of Camp David, and the wide public expectation that we would accomplish what Sadat and Begin had done there before, would deliver the breakthrough that I believed ought to be possible. For that to happen, I told the President, I believed it was essential that Arafat truly understood the importance of what was at stake. Not just the cost of failure, but what was potentially on offer: the creation of the Palestinian state he sought, with the full acceptance of Israel and the support of the world.

I wish I could say I was optimistic when Clinton led the two of us into Laurel Lodge, the larger cabin a few hundreds downhill from Aspen, for the opening session of the summit. The scene at the front door – with me bustling Arafat ahead, with the intention of allowing him to enter before me – yielded the best-known image from the summit. Captured by the television crews allowed into the compound for the ceremonial opening, it spawned a cottage industry of political speculation and armchair psychoanalysis purporting to decipher what it meant. Some said it was an encouraging sign of "chemistry" between me and Arafat, a not

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unreasonable guess, since both of us were grinning throughout. Others concluded that because each of us was trying to nudge the other to go in first, it was a sign of underlying conflict: neither of us wanted to allow the other the privilege of appearing to be polite. Still others, bizarrely, said that it was an ornate Middle Eastern power play, with the aim of demonstrating that *I* was ultimately in control of proceedings. In fact, it would turn out to be a singularly apt image of what happened in the days that followed: a reluctant Arafat, an engaged and expectant Prime Minister of Israel, a smiling and hopeful Clinton.

We did begin on a note of optimism. In my opening statement, I said: "Now is the time for us to make a peace of the brave, to find a way to live together side by side with mutual respect, and to create a better future for our children." Arafat said he hoped that the peace Begin and Sadat had made at Camp David would prove an auspicious example. "With the help of President Clinton, we could reach a deal that is good for both sides."

But it was going to take more than noble words. The details of a peace treaty, or even a framework agreement, were going to require negotiation. Both Arafat and I arrived fully aware of the shape of the "hard decisions" I'd referred to months earlier when we met in Oslo. On his side, it would come down to whether he was prepared for a comprehensive, final peace. A true "end of conflict," with no get-out clauses, no strings left untied, no further claims on either side. In concrete terms, this would mean abandoning his claim for a notional hundreds of thousands of Palestinian refugees to resettle inside the pre-1967 borders of the State of Israel. And what were Israel's difficult decisions? In return for the end of conflict, I would have to deal away the maximum possible part of the West Bank, certainly well above the 80 percent I'd quoted Shimon Peres as suggesting when I'd first met with President Clinton. I would have to accept the idea of land swaps, if necessary, in order to bring the overall percentage as near as possible to the equivalent of the whole of the West Bank. I would have to be flexible on the arrangements to ensure Israeli security oversight over the Jordan Valley. And if a true peace was really on the table, both Arafat and I would have to consider some form of compromise on the most emotionally and symbolically difficult issue of all: the future governance of Jerusalem.

On the first evening, we met as an Israeli delegation to discuss our position for the days ahead. Gili Sher and Danny Yatom helped me keep a clear overall picture of proceedings throughout the summit. Our secure landline was operated by a Shin

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Bet technician. I assumed that, one way or another, the Americans could listen in, but was fairly confident we were beyond the electronic earshot of the Palestinians. I kept myself fully informed of, but at a distance from, the specific work of our five negotiating teams. Though I could not have stayed engaged with all of them at the same time, I also hoped the arrangement would give them an opportunity to explore any realistic opportunity for a breakthrough and any sign of flexibility on Arafat's side – without committing me until there *was* such flexibility.

Yet for the first couple of days of the summit, there was not only no sign of flexibility. There was little meaningful engagement. Dennis Ross and his team drew up a paper setting out the main issues. For those on which we differed, our positions were marked with "I" and "P". It wasn't until around midnight on day-two that the we got a first look at the American draft. The main, unhappy, surprise was Jerusalem. This crucial issue was not marked with "I" or "P". It said outright that there could be two capitals, one Israeli and one Palestinian, within the city of Jerusalem. I was not opposed to the Palestinians calling Jerusalem the capital of their state. But even in follow-up talks after Oslo, when Yossi Beilin and Abu Mazen had explored avenues toward a possible resolution of the Jerusalem question, the maximum understanding was that Israel might expand the existing city limits to accommodate the "two capital" solution. The Palestinians' capital would be in Abu Dis, one of the villages Arafat had asked me to hand back in May. The way the American document was worded suggested dividing Jerusalem as it now was: something ruled out by all Israeli politicians, of all parties, ever since 1967.

When I phoned President Clinton, he asked me to come talk. We sat on the back terrace of his cabin, looking out incongruously on a beautifully tended golf hole installed by Dwight Eisenhower. I told the President that after all the hours we had spent together, I'd felt blindsided by the inclusion of a proposal on Jerusalem that went beyond anything we'd talked about. "It was my mistake," he replied, obviously already aware through his negotiators of the error. He said that he'd put pressure on his negotiators to get the document finished, and that Dennis hadn't had time to read it through. But it was already being fixed: the word "expanded" would be added to the Jerusalem section. I was grateful for that, but told Clinton I was concerned that even this "I and P" paper might have the unintended effect of delaying any real progress. "Since it's an American document, it gives the Palestinians no incentive to compromise," I said, suggesting that it might be better

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simply to withdraw the paper. Clinton's answer encouraged, and surprised, me. "We agree," he said. "The paper no longer exists." It soon turned out the Palestinians were unhappy with it too, but for another reason. On the lookout for validation of Arafat's insistence that Camp David was an Israeli "trap", they were convinced that the paper had Israel's fingerprints all over it. That wasn't true. The one change we'd insisted on was because it misrepresented our position on Jerusalem. Still, since Dennis had added the word "expanded" to the Jerusalem section in longhand, the Palestinians were convinced of Israel co-authorship.

In fact, three days into the summit, the mood among the Palestinians seemed increasingly aggrieved. Not just the Americans, but some members of my own team, were urging me to show more "personal warmth" towards Arafat. I did always exchange greetings and pleasantries with him at mealtimes in Laurel Lodge, but even there, I admit, that I didn't exactly show enthusiasm, much less ebullience. After one dinner, when I'd been placed between the Palestinian leader and Chelsea Clinton, the President's National Security Adviser, Sandy Berger, asked me why, rather than talking to Arafat, I'd spent almost the entire time chatting with Chelsea. My response was only half-joking: "Given the choice, who wouldn't?"

It wasn't only that I believed a charm initiative would come over as contrived. I didn't want to risk misleading Arafat, the other Palestinians and possibly the Americans as well, by giving them the impression I was satisfied with the progress of the summit, or felt that we were heading towards any serious engagement and compromise on the core issues. I had met Arafat many times before Camp David. I had made it clear in all of those meeting that, despite differences on a range of difficult issues, I did want a final peace agreement and that I was ready to consider the tough decisions necessary to make it possible. At Camp David, I was not against meeting Arafat as a matter of principle. I simply felt the time for such a meeting, if it came, would be at the moment that we saw at least *some* signal of a readiness on his part to negotiate seriously.

Still, given the strength of feeling among some of my own negotiators, I felt a responsibility to give it a try. I told Yossi Ginossar, the former Shin Bet officer who was closest to the Palestinian leader among the Israelis, to set up an informal meeting. I added, to Yossi's obvious satisfaction and surprise, that I'd be willing to have the meeting in Arafat's cabin if that's what he preferred. The next afternoon, I went there for tea and baklava. Abu Mazen, his top political adviser and the main

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Palestinian architect of Oslo, was with him, along with a more junior aide who served the tea and sweets. At least this time, Arafat didn't take notes as we spoke. The mood was friendly. We talked about a whole range of issues. With ony one exception: what was really happening, or what should happen, in the summit talks. I found the exercise disappointing as a result. But Yossi Ginossar assured me it would help the atmosphere, and would eventually translate into negotiating progress. "I hope so," I said.

It wasn't until day-four that real talks began. The Americans arranged for negotiating teams from both sides on borders, the refugee issue, and Jerusalem to meet with President Clinton. The Palestinians participated, but showed no sign at all of a readiness to compromise. Borders should have been the most straightforward. Assuming we wanted a deal, it was about sitting down with a map and working out how to address both sides' arguments. But Arafat's representative in the meeting – the Oslo negotiator Abu Ala'a – said he wouldn't even discuss borders without a prior agreement to land swaps ensuring Palestinian control over an area equivalent to 100 percent of the West Bank. Shlomo Ben-Ami did try to find a way around this. He suggested the Palestinians *assume* that to be the case for the purposes of the meeting, so that at least there could be meaningful discussion of the border, including the provisions Israel wanted in order to retain the major settlement blocks. President Clinton agreed that made sense. He said that without talking about the *substance* of such issues, there wasn't going to *be* a deal. Even Abu Ala'a seemed receptive, according to Shlomo. But he insisted that he would have to ask Arafat first whether it was okay.

On refugees, pretty much the same thing happened. The Americans, and I assumed at that point even the Palestinians, knew that a peace deal would be impossible if we agreed to hundreds of thousands of refugees entering Israel – in effect leaving the state created in 1948 with a Jewish minority. But when President Clinton began trying to narrow down details of a compromise resettlement package – how *many* refugees would return, where they would go, and how to arrange international financial support for them – Abu Mazen insisted that nothing could be discussed until without a prior Israeli acceptance of the "principle of the right of return." On Jerusalem, according to Gilead Sher, the President didn't even try to find common ground on the core issue: sovereignty. Instead he used the formula Shlomo Ben-Ami had suggested, telling each side to proceed on the assumption sovereignty was decided in its favour, and to concentrate instead on how everyday

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municipal functions and daily life would be divided between Israel and the Palestinians under a peace agreement.

When I convened our negotiators in my cabin to take stock of the logjam, I was getting more and more skeptical of finding a way to get to actual negotiation on the "hard decisions" I assumed both sides knew we'd have to make. I told our team we could not play that game. Until there was at least *some* movement from Arafat, I didn't want them suggesting any Israeli concessions. We'd obviously get nothing in return. The summit would fail. Despite my repeated insistence both to the Americans and Palestinians that, without an agreement, any Israeli suggestions would be null and void, that didn't mean they would simply be forgotten. The result is that we'd actually be in a worse situation than before Camp David. Politically, I'd find myself in much the same position as President Assad, after the leak of the American draft from Shepherdstown: apparently ready to consider giving Arafat the great majority of the West Bank, without the slightest sign Arafat was ready for a full and final peace. But that wasn't my main concern. It was that anything that we put on the table here would handcuff future Israeli governments if and when an "end of conflict" agreement became possible.

Still, when Dennis Ross learned from my negotiators what I'd decided, he was frustrated and upset. He came to see me on Saturday morning – day-five of what was looking increasingly like a stillborn summit. "This summit was *your* idea," he said, reminding me that the President had agreed to it over the reservations of a lot his own aides. He told me that at a minimum, I had to help give it a chance: by giving *him* my true negotiating "red lines." Either that, or give my negotiators more leeway to explore compromises. I did not want to make Dennis's job any more difficult than it already was. And I told him I was still ready to engage fully if we ever got to the real substance of a possible deal. "But I can't do what you've asked me," I replied. "Not when Arafat is simply holding firm and not showing a willingness even to *look* for compromises."

Fortunately for my relationship with the President – though not for the prospects of an agreement – Clinton had considerably more sympathy with my position after his next meeting with both sets of negotiators that afternoon. It was a return encounter with Abu Ala'a on territory and borders. Shlomo Ben-Ami now produced a map of the West Bank with our proposed breakdown into the areas that would be controlled by a Palestinian state, the part Israel would retain to accommodate the major settlements, and territory which we suggested would go to

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the Palestinians after a transitional period. The part we had earmarked for Palestinian control was now a bit over 85 percent of the West Bank, more than I'd indicated to the President in our first meeting a year earlier. But while Abu Ala'a had told Clinton he would ask for Arafat's permission at least to negotiate, he clearly hadn't received it. He refused to talk about the map, or even respond to Clinton's suggestion that the Palestinians present a map of their own, until we did two things: accept the principle of land swaps and reduce the size of the territory we were suggesting for the settlement blocs. To Shlomo's, and I'm sure even more so to Abu Ala'a's, astonishment, the President exploded. He told Abu Ala'a that to refuse to provide any input or ideas was the very opposite of negotiation. It was an "outrageous" approach. He stormed out.

It was late that evening when the first move toward the "make-or-break" situation I had hoped for seemed to occur, though still with much more likelihood of break than make. The President decided the only way to make progress was to sequester a pair of negotiators from each side overnight. Their task would be to search honesty for the outlines of a possible peace agreement. They were to update Arafat and myself and then report to Clinton the next day. Then, we'd see where we were. I agreed to send Shlomo and Gili Sher, my former "back-channel" negotiators. I knew that whatever guidelines I gave them, they would probe beyond them, just as they'd done in the back-channel talks. They were negotiators. They were also smart, creative, badly wanted an agreement and, like me, believed it ought to be possible. Though I would retain the final word to approve or reject what they suggested, I knew that only in a legal sense could it be null and void. I also recognized, however, that we had to be willing to push further, both to find out for certain where the Palestinians stood and to convince the Americans we genuinely wanted an agreement.

Shlomo and Gili left a little after midnight for Laurel Lodge. Marine guards were posted at the doors, with orders that neither negotiating team was to leave until morning without notifying the President's staff. Mother Nature provided a further incentive to stay inside, since it was again bucketing down with rain. The negotiators talked not just through the night, but the next morning as well. It wasn't until early afternoon that Shlomo and Gili came to my cabin to report on how they'd gone. As I'd anticipated, both of them had ventured beyond concessions that I was ready to consider, at least at a time when we weren't even near to a final peace deal. Taking the President's instructions to heart, they'd said

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they were willing to consider full Palestinian sovereignty over two Arab neighborhoods in East Jerusalem, and even some form of Palestinian authority and control in the Christian and Muslim quarters inside the walls of the Old City. They had dropped our insistence on Israeli control over the Jordan Valley, suggesting that we hold on to only a small segment of the border with Jordan. They had gone beyond the share of the West Bank allocated to a Palestinian state on the map that Abu Ala'a wouldn't even look at. Now, they suggested around 90 percent. But when I asked what the Palestinian negotiators, Saeb Erekat and Mohammed Dahlan, had proposed in return, the answer was almost nothing. They had taken notes. They had asked questions. The one Palestinian proposal, from Saeb Erekat, was on Jerusalem: Palestinian sovereignty over *all* the city's predominantly Arab areas, and Israeli sovereignty over Jewish neighborhoods. In other words, a division of the city.

Even though I was concerned that Gili and Shlomo had gone so far, especially on Jerusalem, I'd reached the point where I doubted that even that would matter. We were now in day-six of the summit, barely 48 hours from President Clinton's departure for the G-8 summit, and we were negotiating only with ourselves. Knowing that the President planned to go see Arafat, I sat down and wrote him a note – emotional not just because I did it quickly, but because of how deeply let down I felt by the Palestinians' deliberate avoidance of a peace deal which, with genuine reciprocity, should have been within reach. "I took the report of Shlomo Ben-Ami and Gilead Sher of last night's discussion very badly..." it began. "This is not a negotiation. This is a manipulative attempt to pull us to a position we will never be able to accept, without the Palestinians moving one inch." I reminded President Clinton that just as he was taking political risks, I was too. "Even the positions presented by our people last night, though they are not my positions, represent an additional risk," I said.

I said I doubted there would be another Israeli leader willing to engage in serious efforts for a final peace agreement with the Palestinians after what had happened here. Unless things changed dramatically, I was not prepared for us to throw out further suggestions, or consider painful concessions. "I do not intend to allow the Israeli state to fall apart, physically or morally. The State of Israel is the implementation of the dream of the Jewish people, for generation upon generation. We achieved it after enormous effort, and at the expenditure of a great deal of blood and sweat. There is no way I will preside at Camp David over the closing of

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this saga." I told the President that I still believed that we were facing a "moment of truth." But only if he could "shake" Arafat, and get him to sense the enormity of the stakes – an independent Palestinian state, versus more, and undoubtedly deadlier, violence.

And if it did come to armed conflict? "When the people of Israel will understand how far we were ready to go, we will have the power to stand together, unified, in such a struggle, however tough it will become, even if we will be forced to confront the entire world. There is no power in the world that can force on us collective national suicide. Peace will be achieved only if there is a willingness to negotiate on both sides. I am sure the people of Israel, and the American people, will understand it when the details will be revealed."

Clinton had already left for Arafat's cabin by the time Danny Yatom went to deliver the letter. But the President, too, was in a more sober and downbeat mood by the time that meeting was over. Late that night when, having now read my note, he joined me on the balcony of Dogwood. He looked exhausted. "It was the toughest meeting I've ever had with Arafat," he said. Clinton said he had told the Palestinian leader that only one side, the Israelis, had so far been negotiating in good faith. If Arafat was not prepared to make a genuine effort to reach an agreement, then there was no choice but for all of us to go home. Now, it seemed, both the President and I were left to wait and see what, if anything, Arafat came up with in reply.

"I've been through battles, and danger, in my life," I said. "But in terms of my responsibility, today, for me as well, was probably the toughest. Shlomo and Gili went beyond what I could live with. If this offer can't move him, then I believe we are left to prepare for war." I told the President he didn't even need to phone me after hearing from Arafat if all he offered was some clever half-reply. Only if it was serious and substantive. I also reminded him that while he'd promised Arafat that he would not "blame" the Palestinians if the summit failed, that had been on the basis of negotiating in good faith. I hoped that, if the summit collapsed in these circumstances, he would keep to that standard.

Finally, I touched on an immediate concern if the summit broke up. For months, the Palestinians had been talking about simply "declaring" a Palestinian state. The Americans had insisted neither side should resort to unilateral action in a conflict whose resolution depended on mutual agreement. The Europeans had been less

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explicit. I told President Clinton I could speak only for how I would respond if a state was indeed declared without a peace deal. "We will extend Israeli sovereignty over the major settlement blocs. We will establish a security zone in the Jordan valley, and let them know that there will be a heavy price should they attack any of the outlying settlements." In other words, Palestinian unilateral action would prompt unilateral Israeli action. "And the confrontation will begin."

* * *

Clinton seemed, if not completely revived, considerably more upbeat when he came back to see me an hour later. He told me that he had received the Palestinians' answer. The way he described it to me, Arafat had agreed to leave President Clinton to decide the amount of West Bank land that would go to a Palestinian state, a figure he now told me that he was assuming would end up at around 90 to 92 percent. The trade-off, he said, would be a limited, "symbolic" land swap. Arafat also wanted control of the Jordan Valley, but had agreed to begin negotiating on Israeli security needs there as soon as possible. Then, came Arafat's counter-conditions, which appeared to bother the President much less than they did me. Everything would be contingent on an unspecified, "acceptable outcome on Jerusalem." And despite Clinton's emphasis that any meaningful agreement had to include a formal declaration that the Israeli-Palestinian conflict was "over," Arafat was insisting that could come only after the terms of whatever we agreed were fully implemented.

Still, it was at least a step forward. Clinton seemed genuinely encouraged, and I didn't want to risk closing off this first chink of light. I suggested, for instance, that we could address Arafat's reluctance about an "end of conflict" statement by providing an American guarantee that the terms of the deal would be implemented.

Still, it very soon became clear that any hope of real progress rested on by far the most difficult issue: Jerusalem. Across party boundaries, even across divisions between religious and secular, nearly all Israelis viewed the city as not just our capital, but the centrepiece of the state. It had been divided after 1948. The Old City, and the site of the ancient Jewish temple, had been under Jordanian rule for 19 years when our forces recaptured it in the Six-Day War. It was under a Labor

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government that the area around the temple's surviving Western Wall, left uncared for under the Jordanians, was cleared and a stone plaza put in place for worshipers – at the expense of parts of the old Moroccan Quarter. It was under Labor, too, that Israel unilaterally expanded Jerusalem's city limits to take in more than two dozen adjacent Arab villages on the West Bank. No Israeli government since then, Labor or Likud, had deviated from a shared pledge that Jerusalem would remain Israel's undivided, sovereign capital under any eventual peace agreement.

Yet when I met Clinton the next morning in Laurel Lodge, he insisted we had to find some room for flexibility. He said that, of course, Israel would retain sovereignty over the Temple Mount: the site of the Western Wall and, above it, the Al-Aqsa mosque complex. "But without damaging your sovereignty," he argued, "we have to find a way to *draw a picture* for Arafat that includes some measure of Palestinian control in part of the city."

"Could you agree to Arafat having an office, maybe, inside the walls of the Old City," he asked me. What about a form of administrative control in some of the outlying Arab neighborhoods in East Jerusalem? I replied that I couldn't possibly answer any of his questions until and unless it was clear that Arafat accepted our sovereignty over – and our national and religious connection with – the Temple Mount. Yet I said I understood that we would have to reach some compromise agreement on the city if we were ever going to have a chance of a peace agreement. "But it's an issue that is difficult for every Israeli," I told him. Before I could even begin to see whether there was a way forward, I would have to take it through with my entire negotiating team. Then, we could discuss it.

It turned out to be the most open, serious, searching discussion I was a part of during all my years in public life. It began, on the terrace of my cabin, at two in the afternoon and went on until sundown. I introduced it by saying what each of us already knew: Jerusalem was the most emotionally charged and politically complex issue of all. Our maximum position coming into the summit had been that we would again expand the municipal boundaries of the city, as we'd done after the 1967 war, in order to accommodate two separate "city councils." One would be in Abu Dis, just to the southeast of the Old City, almost literally in the shadow of the Temple Mount. The understanding was the Palestinians would be free to rename the village, referring to it by the Arabic name for Jerusalem: Al Quds. I said that we should use that position as a starting point, and discuss how, or whether, we might go further. All I added was the need to be aware of what was at

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stake. I didn't know whether peace was within reach. I was still deeply skeptical. But if it was, we had to accept that Jerusalem would be key. And if the summit failed, for whatever reason, what inevitably awaited us was "confrontation."

Israel Hasson, the Shin Bet veteran, spoke first. He saw two choices. Either we could retain Isrsaeli sovereignty over a "united Jerusalem" with functional, day-to-day autonomy for the Palestinians in their neighborhoods, or we could in effect divide the city. "Divide sovereignty." He didn't say which he favored, only that it was essential that we made the decision now if we could, however difficult or reluctant Arafat was as a negotiating partner. If we waited, we'd end up having to deal with Islamists: Hamas and Islamic Jihad. Oded Eran, the career diplomat whom I'd put in charge of frustrating, formal talks with the Palestinians in the months preceding the summit , said he was convinced that we should give the Palestinians full sovereignty over at least the "outer" Arab neighborhoods in East Jerusalem, which had become part of the city only when we'd expanded the city boundaries after 1967. He said that was in Israel's own interest. We had no historic connection to these Arab villages, and something like 130,000 Palestinian lived there. "Why should we want to annex them," he asked. It would be like accepting the "right of return" through the back door.

Dan Meridor's voice, for me, was especially important. I knew he was as determined as I was to try to get a peace agreement with the Palestinians. But he was also a former Likudnik, and a native Jerusalemite. "I'm against any concessions when it comes to Israeli sovereignty," he said. "Any attempt to divide Jerusalem would be a serious blow, and not just for Jews in Israel." For centuries, Jewish communities all over the world, had looked to Jerusalem, prayed for Jerusalem. The yearly Seder meal, on Passover, ends with the Hebrew phrase: *Shanah haba b'Yerushalaim*. Next year, in Jerusalem. "What we decided here in Camp David," Dan said, "also affects Jews in New York. In Moscow. In Johannesburg." He urged us to focus instead on offering Arafat as attractive as possible a package of concessions on all the *other* issues. "Then let him decide. But even if sovereignty over Jerusalem means that the deal collapses, I'm not willing the pay that price."

No voices were raised. It was the rarest of political discussions. People offered their views, and listened to others'. Amnon Lipkin pointed out that a large area of what was now came inside the boundaries of Jerusalem was not part of the city he'd known before 1967. Echoing Oded Eran, he said: "It's in our interest for as

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many as possible of the Arab inhabitants to come under the authority of the Palestinians, and as few as possible under our rule." Amnon's bottom line was that we could not give up Israeli sovereignty over the Temple Mount, which, although he was a non-observant Jew, he called "the cradle of Jewish history." But equally, we couldn't and shouldn't "run the Al-Aqsa mosque." He was also in favor of agreeing to what Clinton had asked of me: giving Arafat a base in the Muslim Quarter of the Old City. His one caveat was that we should not do any of this unless it was part of a genuine, final, peace agreement with the Palestinians.

Danny Yatom urged us to move beyond our emotions and look for a practical solution. "We all know how the boundaries of Jerusalem were drawn," he said, referring to the post-1967 expansion of the city. "They're not holy. It is important to get down to our *real* red lines." Eli Rubinstein, the attorney general, agreed. Even though he was an observant, Orthodox Jew, and more sympathetic politically to Likud than Labor, he concluded that we needed to include "as few Arabs as possible" under Israeli sovereignty, and to cede the outer villages to the Palestinians, adding: "This is a moment of truth."

It was nearly five hours before I brought the discussion to a close. "This is as grave a decision as when Ben-Gurion accepted the partition plan in 1947; the declaration of the state; or the most tense moments of the Yom Kippur War," I said. "Or the decisions which Begin took in this same place." Of course, Begin hadn't even been willing to enter into discussion on Jerusalem. But we were in a different situation. If we were going to get a true end to our conflict, the question of Jerusalem had to be addressed. "We can't delay the decision. We can't avoid it. We will have to decide." My own red line was the same as Amnon Lipkin's: "sovereignty over the site of our First and Second Temples." Even shared sovereignty elsewhere within the Old City seemed to me a step too far at this stage, but I didn't rule it out as part of a full peace. "Without disengagement from the Palestinians, without an end of conflict," I reminded our negotiating team, "we're heading toward further tragedy. We can't pretend we don't see the iceberg."

I asked several members of the team, under Shlomo Ben-Ami, to draft a paper based on our discussion. Since I knew that Clinton, and Arafat too, could do nothing of substance until I'd resolved how far to go on Jerusalem, I went to see the President. I told him about our session. I said that we were now crystallizing what had been said into a formal position, and I hoped to be able to return in a few hours with "the furthest point we can go." Clinton said that would be a critical

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moment in the summit. If we *could* find common ground, he said, Israel would have achieved what had eluded it under Rabin, and even Ben-Gurion: "end of conflict, and Jerusalem recognized internationally as your capital." I told him that the discussion with my negotiators had been moving and illuminating. "I could see how much it weighed on everyone." But I added that I still did not feel anything of a similar nature, or remotely as serious, was happening on the Palestinian side. I also said that in deciding how to proceed, I couldn't ignore political realities back home. I would have to get any major change in our position concerning Jerusalem through the Knesset, even before putting a peace agreement to a referendum.

"When will you get back to me with your paper?" he asked. I said I'd try by midnight. I also asked him whether he could delay going to the G8 summit in Japan, for which he was due to leave Camp David on the morning of the 19th. That meant we had just one full day left. I said even if the plan was to resume our talks afterward, I couldn't move on Jerusalem right before we recessed. It would mean "putting my last and best offer on the table" and running the risk of leaks in Israel while Clinton was gone. He said that he had to go to the G8, but would try to put off leaving for a further day. Then, he asked me to draw up a list of questions for him to present to Arafat so that we could solidify our understanding of how far *he* was ready to go for peace.

I had Shlomo get busy on the list of questions. But it took time. We reconvened around eleven at night, to discuss both the questions and the Jerusalem package. Though it retained Israeli sovereignty over the entirety of the Old City, it did give the Palestinians a greater measure of control over other areas of East Jerusalem than any Israeli government had been willing to consider in the past. Still, almost everyone in the negotiating team could live with it, assuming it became the critical element in a final peace. Dan Meridor, alone, remained firmly opposed, though Elyakim Rubinstein also had some reservations. Even Dan said he understood the importance of getting a peace agreement, if indeed it was possible, and our readiness to discuss new proposals on Jerusalem.

When I left for Clinton's cabin at about 1:00 am on Wednesday, I had no idea I was about to enter the most difficult meeting – and the only real fight – I had with him during our long effort to achieve a Middle East peace. I brought Shlomo and Danny with me, which meant that Madeleine Albright, Dennis and Sandy Berger stayed as well. I sensed tension in all of them, in large part, I soon discovered, because they took exception to the more than twelve hours we had spent discussing

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and refining our position on Jerusalem. I think Clinton expected a formal offer from us. Since I'd been guided by his request for a list of questions for Arafat, however, that is what we came to him with. As we'd discussed, I wanted finally to elicit some sign of whether Arafat, too, was ready to make difficult decisions.

The questions were specific. "Will you accept an agreement that stipulates the following..." it began, and proceeded to outline the kind of peace we could accept and still hoped for. The points included not just Jerusalem, but areas I knew would also be sensitive for Arafat, such as the "right of return" and formal agreement to an end of conflict. We went further than before in some areas. One of the outer East Jerusalem neighborhoods would be under Palestinian sovereignty. The rest of the city would remain under Israeli sovereignty, but most of the other Arab villages would be subject to a system of Palestinian administration. The Haram al-Sharif, the mosque complex above the wall of the Jewish temple, would be under Palestinian "administrative and religious management." We also suggested "special arrangements" implying a Palestinian presence in the Old City, but again under Israeli sovereignty. The questions envisaged eventual Palestinian control in the Jordan Valley, with an Israeli security zone for 12 years, rather than our proposal in pre-summit talks for 30 years. Then, explicitly, we proposed a question to Arafat to confirm my understanding with Clinton that the "right of return" would apply not to Israel proper, but to a Palestinian state on the West Bank and Gaza. Finally, the document said: "I understand that such an agreement constitutes an end of conflict."

After he read it, the President blew up. Far from the "bottom lines" he'd apparently hoped for, but which I'd never thought were expected at this stage, I seemed to be retreating from ideas Shlomo and Gili had presented in their all-night session with the Palestinians. Given the ground rules of that exercise, they'd felt able to go beyond anything we'd actually agreed, and in some areas beyond what they knew I could support. As a result, the list of questions assumed Israel would keep a little more than 11 percent of the West Bank, nearly one percent more than Shlomo had mentioned. Shlomo and Gili had also raised the possibility of up to three of the outer Jerusalem villages coming under full Palestinian sovereignty. "You keep us, and Arafat, waiting for 13 hours," Clinton fumed, his face nearly scarlet. "And you want me to present something *less* than you've already offered." He said he wouldn't do it. "This is not real. It's not serious." He said that he'd gone to Shepherdstown in search of what was supposed to be an endgame with the

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Syrians. Then to Geneva to see Assad, "where I felt like a wooden Indian, doing your bidding. I will *not* let it happen here. I will simply not do it."

I tried to keep my voice steady when I replied. I explained that the issues we were addressing went to the heart of Israel's interests, its future security, its identity and definition as a nation. I had a responsibility to tread carefully. Then, my voice rising too, I came back to what I felt was the real problem. Arafat and his negotiators had been sitting and waiting for me and my team, and probably Clinton as well, to deliver more and more concessions with no sign that they were willing to move on anything. "I find that outrageous," I said. I did not expect Arafat to respond with equal concessions. After all, Israel had most of the tangible assets. "But I did expect him at least to take a small step once we had taken ten. We have not seen even this. This is the kind of behavior parents would not tolerate in their own children! We don't expect Arafat to accept this, but I *do* expect him to present a counter-position."

Clinton remained adamant he couldn't go to Arafat with a retreat from our earlier ideas. "My negotiating team moved beyond my red lines," I told him. The overnight talks were supposed to be non-binding and assumed that *both* sides would make a genuine attempt to get an agreement. "I can't see any change in Arafat's pattern. We take all the risks." I said I doubted that Arafat expected to hear that we had decided to "give him Jerusalem." In any case, the Israeli public hadn't given me a mandate to do that. But I would still move in Arafat's direction, *if and when* I got any sign he was willing to do the same.

The President's anger eased. He suggested he caucus with his negotiators and figure out what to do next. I felt bad about what had happened: not about the list of questions, or my insistence that we could not offer major concessions with no sign of reciprocity. But I did regret that it had left the Americans so frustrated, and Clinton so angry. He had invested not just huge amounts of time and brainpower, but political capital, in the search for peace.

He phoned me at about 3:30 in the morning and asked me to come back. This time, I went alone. We sat on the terrace of Aspen. He said again he couldn't go to Arafat with the list we'd drawn up. But having met with his negotiators, he suggested they draft a more forthcoming list of their own – consistent with what Shlomo and Gili had proposed. I agreed, as long as they kept in mind that it had to be something I could ultimately live with, and that it be presented to Arafat as an

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American proposal. I suggested the President could tell Arafat that he'd try to get me to agree to it, providing Arafat first showed a readiness to move.

The American questions did go further than ours. They asked Arafat whether he would negotiate on the basis of getting Palestinian sovereignty over all the outer Jerusalem neighborhoods, as well as the Muslim Quarter of the Old City and a "custodial role" over the holy sites. But Arafat said no. He insisted on Palestinian sovereignty over all of East Jerusalem, including the Old City and the holy sites. For a few hours after Clinton's fruitless meeting with Arafat, Dennis and the American team engaged in a rescue effort, adding another carrot. They included the Christian Quarter as well, meaning Palestinian sovereignty over nearly half of the Old City, including the areas where almost all Arab residents lived. Dennis gave the proposal to Shlomo and Amnon Lipkin to bring to me, and asked two of the Palestinian negotiators to take it to Arafat. Even offering sovereignty over the Muslim Quarter went beyond anything I'd proposed. So did a lot of the other American questions. Still, I said we'd be ready to consider them in discussions with the US negotiating team – with the exception of the Christian Quarter. But that, too, turned out not to matter. Arafat did not even respond.

Clinton called me to say we'd reached the end of the road. There were only two options: end the summit and announce we'd tried and failed, or defer Jerusalem and try to get agreement on the rest of the issues. I asked for time to think it over, and he said he'd come see me when I was ready. I was tempted to put off Jerusalem. In the admittedly unlikely event we could get a deal on the other issues, that would undeniably be an achievement. But I couldn't help thinking that Arafat's lack of engagement on Jerusalem was yet another sign that he was not ready for the almost equally tough compromises required to resolve the other core issues. And there was no escaping the reality that without a deal on Jerusalem, no agreement we reached would truly represent an "end of conflict." Moreover, Jerusalem wasn't just a Palestinian issue. It was of fundamental interest to the whole Muslim world. If we left it unaddressed, we would be putting future Israeli governments in the position of having to negotiate on Jerusalem *after* we'd given back our key negotiating assets and all our leverage.

I accepted now that the search of a full peace treaty, or even a framework agreement, looked all but impossible. Even Shlomo's and Gili's freelancing had produced only a series of no's from Arafat. But I felt I couldn't give up. Much as I'd been resisting it, I believed I needed to give Clinton my *true* bottom lines, even

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with Arafat still mute and unresponsive. That was the only way we could know with certainty whether peace was possible. If it wasn't, it would also demonstrate powerfully to the Americans that we were not the party who had prevented an agreement.

The President came to see me in Dogwood a little before 11 at night on the 18th, less than 12 hours before he was due to take his delayed flight to the G8. I told him I'd decided to do what Rabin had done with Syria. I was going to give him a "deposit" to keep in his pocket, which he would be free to use as the basis for a further, *American* proposal to Arafat, assuming it was part of an agreement with a "satisfactory resolution" of the refugee issue and an explicit end-of-conflict. He could present it as something which he could tell Arafat he was confident of persuading Israel to accept. It went well beyond what I'd offered before, on all the major issues. I proposed Palestinian rule over 91 percent of the West Bank. I was ready for a Palestinian state to have sovereignty over 85 percent of the border in the Jordan Valley as well, and our security zone there would stay in place for "less than 12 years." Seven out of the nine outer Arab neighborhoods of Jerusalem would come under Palestinian sovereignty. The inner neighborhoods would be under Palestinian civil authority: including planning and zoning, and law-enforcement. For the mosques on the Temple Mount, I proposed a shared custodianship to include the new state of Palestine, Morocco and the chair of the Higher Islamic Commission in Jerusalem. I also agreed to consider Palestinian sovereignty over *both* the Muslim and Christian quarters of the Old City.

Clinton, arching his eyebrows and smiling, said what I'd offered was a package of genuine concessions. It was more than he had expected and, he assumed, more than the Palestinians could have hoped for. It had the makings of a potential breakthrough toward a fair and final peace. I told him I hoped so. But given Arafat's behavior so far, I had my doubts.

Now, it was our turn to wait. The President invited Arafat to Aspen and, from what we heard soon afterwards, got no hint of any readiness to reciprocate. He agreed only to talk to his negotiators and get back with an answer. Overnight, the Palestinians sent messages to the Americans asking questions on each of the concessions, though still with no indication from Arafat of a response. Finally, he sent a suggestion that since Clinton was about to fly off to the G8, we take a two-week break to allow Arafat to consult with Arab leaders. To his credit, Clinton knew an escape act when he saw it. He recognized that only by confronting the

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issues raised by our proposals and showing a willingness to find common ground would we have any hope of success. No recess, Clinton said. He needed a straight answer. Again, not full acceptance necessarily, but agreement to treat the proposals as a basis for negotiating an Israeli-Palestinian peace. Arafat's answer came shortly before dawn. It was "no".

Clinton couldn't quite believe it. He went back to see Arafat, telling him he was making an error on the scale of 1948, when the Palestinians had rejected the partition of Palestine and the creation of an Arab state; or in 1978, when by negotiating on the basis of Sadat's Palestinian-rights framework, they would have ended up with a mere 5,000 Israeli settlers on the West Bank instead of nearly 200,000. What most astonished Clinton was that Arafat was saying no even to using the package as a *basis* for negotiations. Still, Arafat would not budge.

As Palestinian negotiators tried to salvage things by suggesting another trip by Madeleine and Dennis to the Middle East, it was clear that even the Americans were fed up. They knew that one side, at least, had been trying to get an agreement. They couldn't understand why Arafat was unwilling even to accept the "pocket" proposals as a basis for further talks. When Yossi Ginossar, our most reliable conduit, went to see Arafat, he found him sitting alone and, in Yossi's description, "paralyzed." Clinton finally decided to have one last go. When he did, Arafat not only remained unwilling. To the President's astonishment, he insisted that the ancient Jewish temple hadn't been in Jerusalem at all, but in the West Bank city of Nablus.

I was getting a bite to eat in the dining room in Laurel Lodge when Madeleine showed up. She didn't bother defending Arafat. She was as frustrated as I was. Her message was that after the summit, it was important not to make things worse. A negotiating process had to be kept alive. Then, Clinton sat down with me. He delivered a similar message, but with even greater feeling. "You're smarter than I am," he joked. "You're certainly experienced in war, and I'm not. But I'm more experienced in politics, and there are a few things I've learned along the way. The most important is not to corner your adversaries, and not to corner yourself. Always leave yourself a way out. Don't lock yourself into a losing option." I could see that he was right. I also believed, as strongly now as before the summit, that Israel's *own* interests and its security were not served by an unresolved conflict with the Palestinians. The problem was that, in the absence of an equal commitment on Arafat's side, any continued negotiating process seemed futile.

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I packed my bags. I told Danny Yatom to inform the Americans we were leaving and to get our plane ready to take us back to Israel. I let the others in our team know that we were going. A number of them, and several of the Americans as well, urged me to reconsider. But I said I saw no point in staying. What I didn't know, however, was that one of the Palestinians' original Oslo negotiators, Hassan Asfour, had approached Dennis Ross with a new proposal: that we ask Arafat to accept everything except the proposal on the holy sites as a basis for negotiation. Sovereignty over the Temple Mount would be addressed in later, international negotiations. When Dennis brought this to me, my instinct was to say no. Like so much else at the summit, it was an inherently skewed formula: it would involve major Israeli concessions on all the other main issues, *without* securing our absolute minimum need in Jerusalem: sovereignty over the Temple Mount. I didn't say yes. Still, with Clinton's words of advice still on my mind, I said that I'd think it over.

When I met the rest of the Israeli team, almost all of them felt we should stay. The consensus was that especially if violence broke out after the summit's collapse, we didn't want to feel we'd left any stone unturned. At about 11 pm, I phoned the President and told him that we would stay until he returned from Okinawa. He was clearly pleased, and asked us to keep working in his absence. When I resisted that, saying that any substantive talks needed his involvement, we finally agreed that talks could continue in search of a formula for the holy sites. On all the other issues, only informal discussions would be held until and unless a way ahead on the Temple Mount was found. If that happened, and *if Arafat* finally accepted the "pocket" proposals as an agreed starting point, formal negotiations could resume. Clinton accepted this formula. He went to see Arafat and secured – or thought he had secured – his agreement as well.

One of the President's great strengths was his genius for blurring the edges of potential differences in search of common ground. But when edges *had* to be sharpened, this could lead to confusion. Before leaving for the G8, the President neglected to mention to Arafat our explicit understanding that, with the exception of the talks on the holy sites, nothing would happen until he accepted the concessions that President Clinton and I had delivered as at least a *basis* for further negotiations. As a result, Arafat's team now set about happily asking questions and probing my negotiators – pushing us to go *further* – but with no more inclination than before to produce any concessions of their own.

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When I learned what was happening, I told my negotiators they were not to hold any further formal meetings during the four days Clinton would be away. Dennis's initial response was frustration. Madeleine Albrights's was fury. They both made no secret of their view that I was needlessly stonewalling. It wasn't until a few hours later that Madeleine apparently saw the stenographer's record of my conversation with the President before he'd left, confirming the condition that Arafat accept the "pocket" at least as a basis on which to proceed. That evening, she apologized to me for the misunderstanding, and explained the mix-up to the full Palestinian and Israeli negotiating teams.

I spent most of the remaining three days in my cabin or, when the rain relented, walking through the woods. The Americans appeared to think I was sulking. I wasn't. I was trying to find the least diplomatically damaging way to navigate the period until the President's return. I couldn't see showing up at Laurel at every mealtime, mingling and joking with the Americans and Palestinians, but refusing to enter into any form of negotiations. That would compound the awkwardness of the situation, and also be a direct affront to Madeleine. I liked and respected her. But I could not in good conscience help her out in her efforts to find at least some, informal, way of moving the summit along in Clinton's absence. If Arafat had failed to show even a scintilla of movement with the President in the room, I knew there was no way that he was going to do so with the Secretary of State. For the Palestinian negotiators, who were predictably in favour of her efforts, the definition of "new ideas" was whatever further movement they might cajole out of *our* negotiators. Still, on day-three of Clinton's absence, I got a note saying that Secretary Albright was on her way to my cabin. I didn't want the needless diplomatic difficulty involved in again telling her I could not sanction free-wheeling, and decidedly one-sided, negotiations while Arafat hadn't moved a single inch. So I made myself scarce. Fortunately, I was wearing sneakers. I told Danny to inform the Americans I was out jogging around the perimeter of the large Camp David estate, and went off to do just that.

I told my own delegation I was taking time out to assess where we stood. I did continue meeting with Gili Sher and Danny Yatom. Yet for much of time, I read. I also did a lot of thinking. I considered the "pocket" concessions I'd agreed to, the uncertainties and risks I'd been prepared to run, and the need to decide how to deal with the fact that Arafat, when he had engaged at all, had said "no".

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Once it was clear to the Americans there would be no talks until the President returned, however, Madeline began urging me to go see Arafat personally. The two members of our team who were the least pessimistic about Camp David's outcome, Shlomo Ben-Ami and Yossi Ginossar, also said they thought it was a good idea. It was they who'd pressed me to go see Arafat for tea and sweets earlier in the summit. But that meeting had produced not even a glimmer of negotiating flexibility from the Palestinian leader. Yossi had said at the time that it would help the atmosphere, and pay dividends later on. But that hadn't happened either. "Madam Secretary," I told Madeleine, "eating more baklava with Arafat isn't going to help. The situation is simple: he needs to answer whether he views the President's proposal as a basis for going forward."

When Clinton returned, he promptly got back down to business: making one last push to see whether a peace deal was possible. He phoned me around midnight on the 24th of July, a few hours after he'd arrived. He told me he had sent an even more far-reaching package to Arafat, expanding on my proposals. Now, all of the outer Arab neighborhoods in East Jerusalem would come under Palestinian sovereignty, in addition to the Muslim and Christian quarters in the Old City. And Arafat would be given "custodial sovereignty" over the Muslim holy sites on the Temple Mount. I didn't object. Though it was further than I felt I could go, it was within the spirit of my "pocket deposit". The same ground rules still applied: these were American proposals, which the President was telling Arafat he would try to deliver if he accepted them as a basis for serious negotiations. But when Clinton phoned me back, around 3:15 in the morning, it was to tell me that Arafat had again said no.

The curtain had finally come down. What remained now was to clear up the set. I did meet Arafat once more, in a joint session with President Clinton, but only for closing statements. The President and I spoke as much in sorrow and frustration as anger. Both of us said we thought an historic agreement had been within our grasp, and that far-reaching proposals had been tabled to make it possible. Arafat responded with words both of us had heard before: effusive toward Clinton, rhapsodic about his "old partner" Rabin and fulsome in his ostensible commitment to keep trying for peace. But it was just words. We knew he was not willing even to *talk* about the kind of compromises a real, final peace would require.

The President's remarks to the media were, by the standards of post-summit diplomacy, unmistakably clear in making that point. He praised me and the Israeli

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negotiating team for courage and vision. Essentially, he thanked Arafat for showing up. That was some consolation. But it didn't alter the weight of the message we were carrying home. Arafat either would not or could not make peace, at least on terms any Israel leader could accept or the people of Israel would endorse.

There were only two potential deal-breakers on our side, as Arafat had known from the beginning. The first involved the "right of return." We were never going to sign a peace agreement accepting the return of hundreds of thousands of Palestinians within our pre-1967 borders. Demographically, that was a recipe for the inexorable end of Israel as a majority-Jewish state. It would also imply a rewriting of the history of how Israel was born: in a *war*, with an almost equal number of refugees either fleeing or forced to leave on both sides, after the Arab world had unanimously, and violently, rejected a UN partition that would have created a Palestinian Arab state as well. I did accept a "right of return" to the Palestinian state we had hoped to create, as part of a final peace deal, on the West Bank and in Gaza. I also supported the idea of a multi-billion-dollar international fund to compensate or resettle Palestinian refugees, and was ready to commit Israel as a party to that effort. The other critical issue was Jerusalem. I had stretched our negotiating position almost to breaking point. The "pocket" ideas Arafat ended up rejecting challenged a longstanding Israeli political taboo. In practical terms, they amounted to a breach of the assurances which I and every other Israeli Prime Minister since 1967 had given: never to re-divide Israel's capital. Had we actually got an end-of-conflict deal, I would have had to justify it to Israelis in a referendum. I think I could have done so. But one thing I could not give up was our sovereignty over the Temple Mount, the centerpiece of our history as a people and Israel's as a state. It was our connection with our past, a focus of what we had gone through, what we had achieved, and what we had left to accomplish. It was essential to who we were.

Arafat never even engaged in a discussion on the "right of return". On the Temple Mount, however, he was explicit. Any peace, any *basis for negotiation* toward peace, had to begin by confirming Palestinian sovereignty. Besides, as he'd told the President of the United States, he had persuaded himself there never *was* a Jewish temple in Jerusalem. When I heard about that remark, I was less shocked than Clinton. It struck me as just another way Arafat had of conveying *his* bottom lines. It was a bit like stories he liked to tell about visiting his aunt in Jerusalem as

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a young boy and seeing religious Jews walking through the streets of the Old City. I don't know whether those stories were true. But the point was that while he had no problem with Jews in their long coats and black hats *praying* in the holy city, Jews exercising authority or sovereignty, or a Jewish *state*, was something else entirely. Camp David had made it clear it was something he was not prepared to accept.

The question which I now had to confront was what to do next.

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Chapter Twenty-Three

It didn't fully hit me how draining our efforts had been until the morning that the summit collapsed, when President Clinton called me to come talk to him in the living room at Laurel Lodge. When I arrived, Madeleine was already there, sitting on the edge of the sofa. She greeted me with a resigned shrug and a valiant but not altogether successful effort at a smile.

"We *tried*," Clinton said quietly as I took a seat in a wooden chair opposite his. "We gave it everything." The nominal reason for the meeting was to brief me on the communiqué the Americans were going to issue: mostly boilerplate assurances that both sides remained committed to seeking peace, but with an additional "understanding" that neither would take unilateral actions in the meantime. But mostly, Clinton wanted to reinforce his message of a few days earlier: don't "lock yourself into a losing option." Don't close the door. Don't give up. "I won't," I told him, an assurance I echoed in remarks to reporters a few hours later, when I said that while the peace process had "suffered a major blow, we should not lose hope. With goodwill on all sides, we can recuperate."

But I told the President that we couldn't just ignore what had happened at Camp David. Yes, in the event Arafat suddenly had second thoughts about the potentially historic achievement he'd passed up, he would know where to find me. But until and unless that happened, I told Clinton that I assumed my "pocket" concessions would now be firmly back in his pocket. And while we couldn't erase them from memory, I said it was important both of us make it clear that, in legal and diplomatic terms, they were not going to provide Arafat a *new* starting point from which he could make his customary demand for more.

"And I have to tell you that, given what has happened, there's no way I can justify handing him control of more land. I am not going to go ahead with the Wye redeployments in these circumstances."

"You don't have to," Clinton replied. "I'll back you."

Though I never discussed internal Israeli politics with any foreign leader, even the closest of allies, I didn't doubt that the President's support was partly a recognition of what awaited me once I got home. The compromises I'd been willing to consider had gone further – much further, on the politically combustible

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question of Jerusalem – than any Israeli leader in the search for peace. Even before I'd left for Camp David, the defections from our coalition meant we'd been left with only 42 seats in the Knesset, nineteen short of a majority. Amid the first, sketchy media reports that we were even *talking* about sharing control of parts of Jerusalem with the Palestinians, there was a chorus of denunciation from right-wing politicians back home. Bibi Netanyahu had largely kept out of the public eye since his resignation after the election. Now, he issued a statement accusing me of having "broken all the red lines held by all Israeli governments." During the President's final push to save the prospects for a summit agreement, Bibi called a news conference. He said he was determined to prevent what he called an impending disintegration of Israeli society. "What we hear from most of the reports out of Camp David does not answer our hopes," he said.

It hadn't answered my hopes either. But I had gone into the summit with my eyes open. Frustrated though I was by the way the summit had ended, I had no regrets about going as far as I had in trying to reach, at the minimum, a framework agreement. In that sense, it is true the summit had failed. But when I'd urged President Clinton to convene it, I made the argument that if genuine peace was ever going to be possible, we at least had to know whether Arafat was interested in, or capable of, playing his part. That question had, for now, been answered. At least as importantly for Israel, the President of the United States and almost the entire international community recognized we'd done everything realistically possible to reach an accommodation. Diplomatically, the ball was in the Palestinians' court.

There was a final achievement as well – little noticed or remarked upon in the days immediately after Camp David, but hugely significant. A taboo had been broken. For the first time, all Israelis recognized what their political leaders, both Labor and Likud, had long known: a formal, final peace with the Palestinians, if and when it came, would require us not just to withdraw from the great majority of the West Bank, but to find a formula for sharing power in Jerusalem. Many Israelis still believed that was a price too high, and not just Likudniks. A couple of weeks after the summit, Leah Rabin told an Israeli newspaper that her late husband would be "turning in his grave" if he'd known the concessions I'd been ready to consider on Jerusalem. I found the remarks hurtful, but I understood them. In a way, they drove home the point I'd made to Clinton during the summit: *all* Israelis had a deep, emotional attachment to our historic capital. "Yitzhak would never have agreed to compromise on the Old City and the Temple Mount," Leah said,

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"because for him, Jerusalem was sacred from a strictly national and historic point of view." It was for me as well. In fact, I think its religious significance probably resonated more strongly. Still, the major change from the summit was that even those Israelis who found a compromise on Jerusalem unacceptable recognized that, if they *did* want to negotiate a definitive end to the conflict, talking about it was unavoidable.

At least for now, however, there wasn't going to be a peace deal. As our El Al 707 descended over the Mediterranean for our approach back to Ben-Gurion Airport, I faced the more immediate issue of ensuring my government survived. This was partly in case, against all odds, Arafat showed a readiness to revive the search for peace – but also because of the real prospect he would choose violence instead.

* * *

Since the Knesset was about to go into recess until late October, I would have a three-month window to reshape and stabilize my coalition – but only if we could weather a no-confidence motion introduced by Arik Sharon after Camp David. We did weather it, barely. Arik needed a majority of the Knesset's 120 seats to bring down the government. The vote ended in a 50-50 tie. The other 20 MKs abstained, or didn't show up. This was not because of any enthusiasm for my efforts to get an agreement at Camp David, but because of a *lack* of enthusiasm for an early election in which they feared losing seats.

Still, that did allow me to focus on the challenge of the inevitably altered situation with Arafat after the summit's collapse. My main concern was the possibility of violence. Even before returning home, I'd phoned Shaul Mofaz and Avi Dichter, the former Sayeret Matkal officer who was now head of the Shin Bet. "Let's hope the violence doesn't come," I told them. "But if it does, make sure we are ready." Though there was no sign of violence in the weeks immediately after the summit, there was equally little sign of diplomatic engagement by Arafat. Obviously relieved at the way Camp David had ended, he returned to Gaza to a hero's welcome, proudly proclaiming that he had refused to "give up" Jerusalem. It was vintage Arafat: the "general" in his starched uniform and kefiyeh, fresh from

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the diplomatic equivalent of the battlefield, triumphant against the odds. It was the role he liked and played best. His next move was to take the show on the road: to Arab, European and world capitals, pleading that he had been the "victim" of summit chicanery in which President Clinton and I had presented him with a deal no self-respecting Palestinian could accept. He was also campaigning for international support for a move, in contravention of the final Camp David communiqué, to "declare" a Palestinian state unilaterally in mid-September.

I spoke personally to Tony Blair and French President Jacques Chirac, and also dispatched Shlomo-Ben Ami, Amnon Lipkin, Yossi Beilin and Shimon Peres, who was Minister of Regional Cooperation in the coalition, on a series of diplomatic visits to make sure the true story of what had happened at the summit was understood. As a result, the globetrotting Arafat received an almost unanimous rebuff for the idea of a unilateral declaration of stateheood. He was told that if he really wanted a state, he should return to the negotiating table with Israel.

By the time I went to New York in early September – joining the largest collection of world leaders ever assembled, for the UN's Millennium Summit – there seemed little chance of that happening. I met privately with a number of world leaders before delivering a brief address to the more than 150 presidents and prime ministers. I was at pains to take the high road. None of the foreign leaders I met had expressed any doubt that we'd gone much further than they had expected at Camp David, and that the onus for putting diplomacy back on track rested firmly with the Palestinians. Looking straight at Arafat from the UN podium, I said: "We are at the Rubicon, and neither of us can cross it alone." Jerusalem, "the eternal capital of Israel," was calling out for a "peace of honor, of courage and of brotherhood" – a peace recognizing that the city was also sacred to Muslims and Christians the world over. When Arafat spoke, it was almost as if the summit had never happened. "We remain committed to our national rights over East Jerusalem, capital of our state and shelter of our sacred sites, as well as our rights on the Christian and Islamic holy sites," he declared. He didn't mention Jews, beyond a bizarre reference to the 2,000th anniversary of the birth of Christ "in Bethlehem, Palestine." I couldn't resist remarking to one of the American negotiators that I'd always thought Jesus grew up as a Jewish boy, making thrice-yearly visits at festival time to the temple in Jerusalem, at a time when there was not a church, much less a mosque, in sight.

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Still, in my meetings with Clinton, I assured him I was not giving up altogether on the prospects for peace. Not only did I feel that would be wrong, as long as there was a scintilla of hope. I believed that our continued diplomatic engagement might provide a counterweight to any moves by Arafat to revert to violence. It was also critical for Israel to retain the diplomatic, political and moral high ground we had earned in the eyes of the international community from the concessions we had been willing to consider. When the President suggested drafting a final American paper, based on Camp David though presumably with an even more generous proposal for the Palestinians, I agreed. I figured even Arafat might realize at some point that if he *did* want a negotiated peace, the time for dithering was over. Clinton would no longer be president in five months' time. Unless I could find an alternative way to refortify my coalition over the coming weeks, it was entirely possible I'd have to form a "unity" coalition with Arik and the Likud. Still, I told President Clinton I doubted the ticking clock would make a difference to the Palestinian leader. If it didn't, I believed at some point all our talk about an "end of conflict" would give way to conflict. The only question was when.

Tragically, I got the answer only weeks after my return from the UN.

* * *

At the urging of the Americans, I invited Arafat and his negotiating team to a private dinner in Kochav Yair on the 25th of September. The atmosphere was surprisingly warm, for which a lot of the credit, as well as culinary praise, has to go to Nava. "Very cordial, even congenial," Nabil Shaath told reporters after the dinner, nearly 45 minutes of which I spent talking alone with Arafat on the stone terrace out back. Each of us spoke to Clinton for about 10 minutes near the end, and the President was obviously pleased to hear us sounding upbeat about trying to narrow any differences on the forthcoming American negotiating paper. On the *substance* of our differences, by mutual agreement, Arafat and I didn't say much to each other. I did try to impress on him that time was getting short. His monosyllabic reply – yes – was at least better than the alternative. I chose to believe we could both now focus on trying again.

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The request that had come across my desk a few days earlier need not have changed that. Even though Arik had failed, for now, to bring down the government, he was keen to make political capital from the collapse of Camp David. He now declared his intention to pay a visit to the Temple Mount. The Mount – or as it was called in Arabic, Haram al-Sharif – was part of Israel. The unsubtle point of Arik's visit was to dramatize his determination to keep it that way. The target of this political theatre was not Arafat or the Palestinians. It was the Israeli public, me, and my government. In an all-perfect world, I would have liked to find a way to block the visit. In a democracy, it wasn't that easy. The only way I could do so was on the grounds it was a threat to public order or security, a judgement in the hands of our police and security services. I duly asked for the views of Avi Dichter of the Shin Bet, and Shlomo Ben-Ami, who in addition to being interim Foreign Minister was Minister of Internal Security, in charge of the police. Both came back with the same answer: though we'd all be happier if Arik stayed down on his farm in the Negev, there was no reason to expect his visit would pose a major public-order issue, and no basis for blocking it. When Shlomo contacted Jibril Rajoub, Arafat's West Bank security commander, Rajoub asked only that two conditions be imposed, and Shlomo agreed. The first was that the visit not occur on a Friday, when the mosques would be full of worshipers; the second, that Sharon not set foot in either of the mosques on the Haram. Our chief of police informed Sharon that if he didn't accept the conditions, we'd deny him permission to go. But he agreed. When he went, for about half an hour under police escort on Thursday morning the 28th, he complied.

At first, we thought it would prove a one-off media stunt. But that evening, Danny Yatom brought me an intelligence report with evidence that Arafat's Palestinian Authority was planning for wide-scale violence after Friday prayers, in protest over Sharon's visit. Danny called Dennis Ross. Madeleine Albright called Arafat, to urge him to ensure this didn't happen. But as Dennis would remark later, "Arafat didn't lift finger to stop it."

The trouble began the next day, shortly after Friday prayers. It was also the eve of the Jewish New Year, and the Western Wall area was crowded. As people poured out of the mosques, a number began hurling stones, some of them the size of small boulders, onto the Jewish worshippers and police below. One knocked out the highly experienced, steady-handed commander of the Jerusalem police, which I'm sure contributed to making the confrontation that followed even worse. By the

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end of the day, dozens of Israelis and Palestinians were injured. Five Palestinians lay dead. Though the media almost instantly labelled it a new "intifada", this one was very different. It was not a burst of anger, however misdirected, by stone-throwing youths convinced that a road accident in Gaza had been something more sinister. There had been no serious unrest on the day of Arik's visit. We would later learn this was a deliberate campaign, waged with guns and grenades, by Hamas and Islamic Jihad, the Fatah offshoot Tanzim, and Arafat's own police force.

The media had changed, too, in the 13 years since the first intifada, with the rise of twenty-four-seven news broadcasters, including the Arabic-language Al Jazeera. Images of pain and suffering and fear stoked anger on both sides. None, in the first days of the violence, was more powerful, or heart-rending, than the picture of a terrified 12-year-old Palestinian boy named Mohammed al-Durrah, sheltered by his father as they took cover from the crossfire in Gaza. The facts of the incident, as best we could establish immediately afterwards, were that the Palestinian security forces had opened fire on Israeli troops near the settlement of Netzarim. Ten Palestinians, including the little boy, lost their lives when the soldiers returned fire. We later established with near certainty that the boy had in fact been killed by *Palestinian* gunfire. But even if we'd been able to prove that at the time, I'm sure that in the increasingly poisonous atmosphere, it would have made little difference.

Nor would it have changed the next, deeply disturbing escalation: the spread of the violence into Israel itself, with unprecedentedly serious clashes between our own Arab citizens and the police in the Galilee, in Wadi Ara, in the main mixed Arab-Jewish cities, and the Negev. Beyond the political implications, the demonstrations of solidarity with the Palestinian violence presented a security challenge of a different order: to the ability of the Israeli police, and by extension the government, to ensure basic law and order inside our borders. The worst of the clashes lasted barely a week. But they left thirteen Arab Israeli protestors dead, sparking demonstrations as far afield as Jaffa, as well as ugly incidents of mob violence by Israeli Jews against Arabs in some areas.

President Clinton tried his best to help us halt the violence on the West Bank and in Gaza. I doubted the Americans would succeed, but was fully ready to join in their efforts to try. About ten days into the new intifada, I attended a crisis meeting with Arafat, mediated by Madeleine Albright and Dennis Ross, at the US ambassador's residence Paris. It was nominally under the aegis of President

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Chirac, but the understanding was that Madeleine would be in charge. Far from showing any willingness to end the violence, Arafat at first simply lied. He said the Palestinian violence was in response to an unprovoked assault by Israeli troops, and demanded an international "protection" force. There was a particularly bizarre moment when I read out the names of individual Tanzim leaders whom we had intercepted organizing the attacks. Arafat pretended he'd never heard of any of them, almost as if I was reading from a zoology textbook about species of polar bears. This was a man who had been awarded the Nobel Peace Prize. What he really deserved was an Oscar.

But people were *dying*. Needlessly. We ended up agreeing to a US-led fact-finding commission, as well as a number of steps to separate the Palestinian attackers and Israeli units. I reaffirmed our policy of insisting that Israeli soldiers use live fire only if they felt their lives were under threat. Arafat undertook to order his security forces and Tanzim not to launch further attacks. He even phoned Gaza with what we were given to understand were explicit orders. But it was all for show, as we discovered when we were invited to the Elysée Palace to meet Chirac. The French President had clearly received advance word from Arafat about his demand for an international "protection" force, presumably with a role for the French. To my surprise and frustration, and Secretary Albright's as well, Chirac insisted that no agreement was acceptable without that happening. Then, he turned to me, demanding to know why the violence had left nearly 400 Palestinians dead, but barely two dozen Israelis, if the Palestinians were the aggressors. "Mr President," I said, "just several weeks ago we were prepared to go very far in order to put this entire conflict behind us. It is Mr Arafat who rejected the proposal, even as a basis for negotiations. Just a *basis* to seek peace. He then deliberately turned to terror. We are protecting ourselves, and our soldiers. Are you really saying that you'll be happy for us to sign an agreement to end it only when another 350 Israelis are killed? I'm not playing that game. Arafat started this. He has to stop it. We know he can, and we hold him responsible if that does not happen."

It did not happen. We tried all we could to prevent a further deterioration. I approved moves, in co-ordination with the Palestinian police, to lower our security profile where possible. We made sure Israeli police were not visible from the mosques on the Haram al-Sharif. But after the next Friday prayers, a crowd made its way to a police post at the edge of the Old City and attacked it. In Nablus, the burial site of Joseph had long been a source of tension. Shlomo Ben-Ami reached

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an agreement with the Palestinians to replace an Israeli troop cordon there with Palestinian police. But on the morning of Saturday October 7th, hours after the Palestinian police took over, a mob attacked, burned and ransacked the site. They destroyed the Torah scrolls. A few hours later, our soldiers found the body of a rabbi from a nearby settlement. He had gone to survey the damage to the synagogue.

That evening, I delivered an ultimatum: "If we don't see a change in the patterns of violence in the next two days, we will regard this as a cessation by Arafat of the peace process." That did, briefly, have an effect. When Clinton reinforced my message later in the day, Dennis told me that for the first time, he sensed that Arafat realized he had to act. But again, it was not enough, nor in anything like a sustained manner. And with an appalling act of murder three days afterwards, it was too late. That outrage came in Ramallah. Two Israeli reservists took a wrong turn and ended up driving into the town. They were taken to the Palestinian police station. Hundreds of people broke in and stabbed them, gouged their eyes out and disembowled them. In a chilling image broadcast around the world, one of the murderers brandished the bloodstained palms of his hands in a gesture of triumph. Since I was Defense Minister as well, I spent the hours that followed in the *kirya*. We ordered attack helicopters into action for the first time, though with advance warning to local Palestinians in the areas we targeted. We destroyed the Ramallah police station, as well as a militia base near Arafat's headquarters in Gaza. But Arafat emerged to tell a cheering crowd: "Our people don't care. They don't hesitate to continue their march to Jerusalem, the capital of the Palestinian independent state."

Israelis *did* care. It is hard to say which emotion was more powerful: disgust or fury. But if the opinion polls were to be believed, a large majority wanted us to hit back with the full force of the Israeli army. Still, my overriding aim remained to end the violence if possible, not make it worse. When Clinton asked me to join him, Arafat, King Abdullah of Jordan and UN Secretary General Kofi Annan for a summit in Sharm al-Sheikh, I agreed. We worked out a series of steps to disengage. Arafat was finally supposed to order the Palestinian Authority security forces and Tanzim to cease fire, and establish no-go perimeters around our army positions. We would reopen Gaza airport and, over a period of two weeks, pull back our forces to where they had been before the violence began. But again, it didn't happen. The Palestinian attacks intensified and, as I'd made clear at the

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summit, we responded. The only, brief, lull came when Arafat feared the Americans would cancel his scheduled visit to Washington to see Clinton on November 9. I was due to follow him three days later.

I met Clinton and Dennis Ross over dinner in a little kitchen area attached to the Oval Office, and both seemed surprisingly upbeat. The President said he'd told Arafat the broad points that would be in the new American negotiating paper. It was Camp David-plus. Assuming all issues in a final peace were agreed, the Palestinians would now end up, after a land swap near Gaza, with a "mid-90-percent" share of the West Bank. On Jerusalem, the guiding principle would be "what is Arab will be Palestinian, and what is Jewish, Israeli." On the Temple Mount, the Haram al-Sharif, each side would have control of its own holy sites. Finally, though Palestinian refugees would be free to return in unlimited numbers to a new Palestinian state, there would be no "right of return" to pre-1967 Israel. The President told me that after he'd run all this by Arafat, he and Dennis had asked whether "in principle" these were parameters he could accept. Arafat had said yes.

I assume they expected me to say the same. But I told them I couldn't give them an answer. What concerned me now was the violence. Until it was reined in, I would not be party to rewarding Arafat diplomatically. I urged the Americans to make ending the violence their focus as well, because if they didn't get tougher on Arafat's noncompliance with anything resembling a de-escalation, Israel would do so.

* * *

Since the Knesset had returned before my trip to Washington, I'd needed first to make sure my government would survive. The obvious, or at least the most mathematically secure, choice would have been a deal with Sharon. Especially since the lynching in Ramallah, there were calls from politicians on all sides for a unity coalition between Labor and Likud. Arik definitely wanted in. The main issue reamined the peace process. I didn't find Arik's specific objections to Camp David hard to deal with. As I'd said from the start, the fact that we'd failed to reach an agreement at the summit meant that any concessions I'd considered were now,

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in legal and diplomatic terms, null and void. The package Arafat had ultimately rejected had not even been presented by me. It was an American proposal. Besides, it was obvious no serious negotiations were going to happen anyway for the foreseeable future. Arik, however, said he wanted not just a "full divorce" from Camp David. He insisted we formally declare an end to the entire Oslo process.

I told him that was a price I was not prepared to pay for his support. Despite the failure of the summit, and the terrible human cost from Arafat's choice of violence over diplomacy, there was a wide international recognition that it was the Palestinians, not Israel, who were responsible. For us to end the Oslo process meant inviting accusations we'd never intended to reach a peace agreement in the first place, and that it was *Israel* that was closing the door. We would also risk forfeiting the American support we'd secured by our efforts to reach a peace deal, an asset all Israeli governments would benefit from in other circumstances and contexts in the future.

Fortunately, I had an alternative to a coalition with the Likud. Alarmed at the prospect of a having Sharon in the government, the Oslo-era doves in Labor, led by Yossi Beilin, worked out a new deal with Shas. The Sephardi Orthodox party was still not prepared to rejoin the cabinet, but it did promise a "safety net" in the Knesset to ensure we would not have to worry about no-confidence votes while confronting the Palestinian violence. I knew Shas's support would waver if there was a resumption of serious peace negotiations. Still, as Clinton continued to insist we make one final attempt to get a deal, I felt we had a responsibility to play our part. I wasn't prepared to put us in the position of appearing to stoneweall his efforts, and encourage the false narrative that Israeli "intransigence" was somehow frustrating Arafat's readiness to make peace.

The Palestinian campaign of violence was getting worse. An Islamic Jihad car bomb near *Mahaneh Yehudah* market in Jerusalem injured nearly a dozen people and left two dead. Hamas blew up a school bus in one of the Gaza settlements, killing two more people. In Hadera, halfway up the coast from Tel Aviv to Haifa, a car bomb on a main street left two people dead and more than 60 injured. Palestinian snipers from near Bethlehem began opening fire on Gilo, one of the post-1967 Jewish suburbs of Jerusalem, and home to more than 30,000 people. Yet despite all this, I authorized Shlomo Ben-Ami, Gili Sher, Amnon Lipkin and Yossi Ginossar to continue talks with Palestinian negotiators on the terms of the President's last-ditch peace proposal.

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By the end of November, I believed that the chances of a peace agreement with Arafat were so microscopic as to border on non-existent, and that my own prospects for retaining sufficient support to be an effective Prime Minister much beyond Clinton's departure were not much better. It was not just Arik and the Likud, but other parties on the right that were actively attempting to bring down the government. I was being squeezed politically: by opposition to the concessions, especially on Jerusalem, I'd been willing to consider in pursuit of a peace agreement, and by the ever-worsening Palestinian violence. Shlomo Ben-Ami put it best, saying that in the view of most Israelis, "Arafat's response to Camp David was not peace, it was an intifada."

By the second part of November, there were five separate motions of no-confidence working their way through the Knesset. I could have quashed them all at a single stroke, since Arik, both publicly and privately, was conveying to me his continuing interest in joining a unity coalition. But I again decided against it, at this stage not so much because I expected a peace deal, but because I believed continued Israeli engagement in the peace process was essential to preventing Arafat from evading his responsibility for making a deal impossible.

I could also have wrongfooted my opponents by insisting that any early election be not just for a new Prime Minister but for a new Knesset, something very few existing Knesset members were anxious to see happen. I did, in fact, do precisely that at the end of November, delaying an immediate move to try to topple the government. But I immediately regretted doing it. The game-playing side of politics was the part I least understood, and most disliked. I recognized that to bring down the Knesset along with me would be unfair to the country, not to mention my own Labor Party, which still had the largest number of parliamentary seats. In pursuing my peace efforts with Hafez al-Assad, and at Camp David, I'd insisted I was acting on the mandate I'd received in the Prime Ministerial election. If the peace efforts had failed, or if a significant part of the country felt I was wrong to have tried in the way I did, surely the responsibility for that, too, should fall on me.

I remained confident I had been right to make the efforts with Arafat, with Assad, and, of course, to have followed through on my pledge to withdraw our troops from Lebanon. But believing that you are right, even if later events might bear you out, was not all that mattered in politics. You had to be able to bring the public with you. It was clear my support was ebbing away. Looking ahead to the

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challenges Israel would face during Clinton's final period in office and afterwards, I knew I could not go further without seeking a fresh mandate from the country, however unlikely the prospects now seemed.

Deciding to do so was a decision that was probably easier for me than for other politicians. Privileged though I felt as Prime Minister to be able to pursue what I felt deeply were Israel's national interests, the trappings of office were not that important to me. I'd gone into politics to *do* things, not for the photo opportunities. I did still believe it was important to see the final diplomatic push by Clinton through to its end. But I knew an early election for Prime Minister wouldn't happen overnight. It would involve a couple of months' preparation.

* * *

When I called a news conference on December 9, the media, and the country, assumed that it was about the Palestinian violence and the ups and downs of the Clinton initiative, and I did talk about both. But at the end, I said: "There are those who doubt the mandate I received from the citizens of Israel. I have decided to seek a new mandate – to lead the state of Israel on the road to peace, security and a proper civic and social agenda." I said I would go see the Israeli President the following morning. "I will formally resign, and run for a special election, at the head of the Labor Party, for the Prime Ministership of Israel."

The election was set for February 2001. The last act in President Clinton's attempt at a breakthrough actually came after the American election, and just a month before George W. Bush would succeed him. Since, in practical terms, any final agreement would almost certainly come under President Bush, Clinton's final negotiating paper was framed as a set of paramaters which, if agreed to by both sides, were intended to set the stage for a final deal. On December 23, Clinton presented the draft to both sides' representatives at the White House. I wasn't there. But the accounts I got from Shlomo, Gili and Dennis Ross afterwards made me feel as if I was. The president said he would read through the document and then leave the Israeli and Palestinian teams with Dennis to make sure they'd recorded each detail. He said this was no longer the starting point for further argument on the basic shape of a peace deal. This was his considered judgement of

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what would constitute a fair agreement. He was presenting it on a take-it-or-leave-it basis. If either side said no, he would withdraw it, and it would not be binding on President Bush.

He proceeded to lay out his proposal. It now envisaged the Palestinians ending up with between 95 and 97 percent of the West Bank. Israel's military presence in the Jordan Valley would be for a maximum of six years, after which our soldiers would be replaced by an international force. On refugees, the solution Clinton proposed would "make it clear there is no specific right of return to Israeli itself" but recognize "the aspiration of the Palestinian people to return to the area." He proposed a joint endorsement by Israel and the Palestinians of the right of refugees to return to a new Palestinian state. In Jerusalem, Arafat would have sovereignty over the entirety of the Old City except for the Jewish Quarter and, of course, the Western Wall and the "holy space of which it is a part." Finally, the President said, this would be a *final* peace: an end of conflict and, once implemented, an end to any further claims. He wanted replies from Israel and the Palestinians within five days. Dennis added that, while both sides could come back with reservations, if any of these fell outside the substantive limits of President Clinton's parameters, the response would be interpreted as a "no" and our search for an agreement would be over.

Clinton's latest proposals went beyond even what I was willing to have him keep in his pocket at Camp David. Opposition politicians in Israel, and even a few of our cabinet ministers, promptly objected to the formula for Jerusalem. I told the critics – as I knew I'd have to argue to the country in a referendum, in the vanishingly unlikely event we actually reached an agreeement – that making peace was not like making love. It was something you did with enemies. I, too, would have preferred to say no to Clinton's ideas on Jerusalem. But to reject them would have placed Israel in the position of rejecting the entire Clinton paper, something I was not prepared to do.

I sent word to the President that we accepted his ideas. We did raise reservations – twenty-eight in all, about how various parts of the agreement would work on the ground. But none fell outside his parameters for a peace agreement. At first Arafat asked the Americans for more time. Then he went to Washington to see Clinton. There, he presented his "reservations". They were not just outside the Clinton parameters. They rejected two key elements. Arafat said there could be no

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Israeli sovereignty over the Western Wall of the ancient temple. Nor would he agree to any compromise on the "right of return."

For me, that was the final answer. As one Palestinian leader remarked to me amid the still-escalating terror attacks a couple of years later, the Palestinians had "needed a Ben-Gurion, but we got an Arafat." He didn't mean Ben-Gurion the Zionist, but the statesman who at crucial moments like the partition vote in 1947, could give up his maximalist hopes and dreams in order to secure a better future for his people. Arafat felt much more comfortable, more secure, when the suicide bombers were calling the tune. Then he could whip up the crowds with promises of "marching on Jerusalem" or jet around the world telling everyone that Israel was denying his right to a state.

* * *

Though I now knew an agreement was impossible, for many on the Israeli left, my ostensible allies in the forthcoming election campaign against Arik, that was hard to accept. Particularly for Yossi Sarid of Meretz, and to a certain extent Yossi Beilin too, the only explanation for our failure to get a deal had to be that we hadn't negotiated well or creatively enough. The idea that Arafat simply didn't want a two-state peace was anathema to them. So was the political platform I said that I hoped to implement if I was re-elected as Prime Minister. Maybe, at some point in the future, a negotiated peace might be possible. We *had* accomplished something of importance at Camp David. We'd made clear our red lines. We knew where Arafat stood. But for now, I believed we had to move on, both in order to keep the situation on the ground from getting worse and to act in Israel's own long-term political and security interests. I said we should unilaterally disengage from the West Bank and Gaza.

The idea was straightforward. The Palestinians' unwillingness to accept even the final Clinton parameters, driven home with murderous ferocity by the explosion of violence since Camp David, should not be allowed to paralyze Israel politically. I proposed that we map out the area we required to retain and secure the major settlement blocs, as well as the outer East Jerusalem suburbs; a further security strip along the Jordan River; and several other strategically important

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points. It would amount to retaining control over around 20 percent of the West Bank, but none of the major Arab towns or cities. Though deliberately stopping well short of share of the West Bank Arafat could have secured through a negotiated peace, it would remove Israeli troops and settlers from most of the territory. It would give the Palestinians ample room to set up a state if they so chose, and conceivably to expand its area if some future leader had more of the "Ben-Gurion" in him than Arafat. Until then, it would allow both of our peoples to get on with their lives and focus on their own political and social and economic challenges.

There was a second, critically important part to what I was proposing: the construction of a physical security fence along the new "disengagement line" with the West Bank. It was the suggestion rejected under Rabin, accepted under Peres amid the Hamas bombings in the 1996 election campaign, but never followed through on. Even under the new arrangement I envisaged, Israeli troops would retain the freedom of action to respond to, or pre-empt, terror attacks with targeted operations inside the West Bank. But the physical barrier would hugely increase our ability to halt the attackers before they could strike.

Yet even if I'd been able to bring those on the left of Labor behind the plan, this election campaign was going to be a lot tougher than in 1999. Since Knesset members weren't running for their seats, the Labor machine lacked its usual incentive put up posters, knock on doors, or get out the vote. Arik, however, benefited from the enthusiasm of Likudniks and other right-wing activists who saw an opportunity to retake control of Israel's political agenda.

Long before election day, I realized my time as Prime Minister was up. Before the campaign began, an old friend of mine, a leading Israeli journalist, tried to talk me into withdrawing. "You're going to lose, Ehud," he said. "Why, after making all this effort for peace, after doing your best, do you want the last act to be losing to Arik?" I'd never seen the objective as just staying in office. If that had been the case, I wouldn't have put the chances of a peace deal with Syria to their final test. I wouldn't have gone to Camp David. I also would have accepted Arik's serial offers to join a unity coalition. But never in my life had I walked away from a challenge. I certainly wasn't going to retreat in the midst of Palestinian violence, and when Israel still faced key decisions on how to move on from Arafat's unreadiness to negotiate an end to our decades-old conflict.

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I did regret being unable to rely on the support of two key constituencies that had helped deliver my landslide victory barely 18 months earlier: my own Labor Party and the Arab citizens of Israel. I had no trouble understanding the reasons many Israeli Arabs were abandoning me. The clashes in the Galilee at the start of the new intifada had left more than a dozen of their community dead. As an official inquiry would later conclude, there was blame on all sides. A number of Arab members of the Knesset had played a part in inciting the violence. Yet the police had been unprepared, and they had used excessive force. As I said publicly before the election, I, as Prime Minister, was ultimately responsible, and I formally apologized for what had happened. Yet the roots went deeper, to the economic and social disadvantages still faced by many Arab citizens, and the difficulty in resolving those problems calmly and collectively as long as Israel remained in a state of war with its Arab neighbors.

For Labor and the political left, it was as if, despite Arafat's repeated rejections of ever more forthcoming terms of peace, they still couldn't bring themselves to believe he really meant it. By default, they were inclined to blame me for not delivering peace. I was accused of relying too much on a close circle of aides and negotiators I'd known from my time in the army, of not giving a negotiating role to Labor veterans of the Oslo negotiations like Yossi Beilin, and of being insufficiently sensitive to Arafat's needs in the negotiating process. Typical of the argument was a broadside by the journalist and historian Tom Segev, in *Ha'aretz*, which accused me of an "incredible arrogance" which had "led to an historic mistake. Rather than continue on the Oslo road, Barak put it into his head that he could reach a final settlement and try and impose it on the Palestinian Authority President." I did not try to "impose" anything on Arafat. I did, quite consciously, abandon the "Oslo road" because it was inexorably leading to a situation where, after the final Wye redeployments, Arafat would have control over the great majority of the West Bank *without* having to commit to any of the assurances that even most on the Israeli left would define as the minimum required for peace. Now, of course, we knew that was something the Palestinian leader was not prepared to do.

When election day came, not that many of my critics on the left actually voted against me. Nor did the Israeli Arabs. Yet in very large numbers, they simply didn't vote. In percentage terms, Arik's victory was even more decisive than mine over Bibi. He got more than 62 percent of the vote. I received barely 37 percent.

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Yet the turnout was the lowest in Israeli history. Arik received *fewer* votes than I had in 1999. Around half of the 1.8 million people who had supported me stayed at home.

I conceded defeat after the first exit polls and said I would be stepping down as head of the Labor Party. Still, since the election had been only for Prime Minister, Labor remained the largest party in the Knesset. Mathematically, Arik might be able to cobble together the required 61-seat majority with an assortment of smaller parties. But without Labor as ballast, his government would be even more precarious than mine. When I triggered the election, he'd let it be known that if he won, he hoped to include Labor in his government, with me as his Defense Minister. Even though I'd announced I was stepping aside, he phoned me the morning after the election to make that argument again. He said Israel needed a strong government, especially to confront the escalating violence. Having a person with my background, whom he knew well and trusted, in the defense portfolio was important. I didn't say yes. Unfortunately, I failed to do what I should have done: I didn't immediately say no.

When the public learned about Sharon's interest in a unity government, Labor descended into bickering. Some of my former ministers, like Yossi Beilin and Shlomo Ben-Ami, were against the idea of joining any Likud-led government. They were especially disgusted by the prospect of doing so under Arik, the architect of the 1982 Lebanon War. Most of the Labor's central committee did seem in favor of joining. But given the scale of my election defeat, many wanted do so without me. For a few days, Arik kept phoning me. I did feel that the substance of the arrangement he suggested made sense. But over that first week, I realized that, understandably, he had little interest in addressing my policy concerns. I decided to focus instead on ensuring a properly organized transition to a new Labor party leader, and publicly confirmed that I would indeed be resigning.

Several weeks after Arik formed his government – including Labor, with Simon Peres as one of four deputy prime ministers – he invited me to his office. He wanted to ask my views on a specific security question. That took barely 15 minutes. But I raised another issue that I argued would have more far-reaching implications. It was the idea of building the security fence along the West Bank. I'd tried to make the case for doing so during the election campaign, and I'd lost the election. "Now I'm turning to you. When I left office, 39 Israelis had been killed in the terror attacks. Now, there are *70*. When the number reaches 700,

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there's no doubt you'll decide to build this fence. But to your dying day, you won't be able to look yourself in the mirror and explain why you waited for another 630 Israelis to die first."

He did eventually start building it, but only in the wake of an act of terrorism which, even by the standards of this new and still-escalating intifada, was truly obscene. In March 2002, suicide bombers murdered 30 people, mostly elderly, as they were celebrating the annual Passover Seder in a hotel dining room in Netanya. Arik hit back two days later with Israel's largest military operation on the West Bank since 1967. Israeli forces retook major Palestinian towns, placed Arafat under *de facto* siege in his headquarters in Ramallah and imposed curfews and closures. In June, the government formally approved the security fence. Still, another year would pass before the major part of the barrier was in place, by which time some 500 Israelis had been murdered in the terror attacks. Only then did the number of casualties begin to fall.

I tried to steer clear of public criticism of Arik's government. One of the lessons I'd learned as Prime Minister was how easy it was to second-guess from the outside. No Prime Minister can act exactly as he might plan or want to. The most you can do is make sure you understand and analyze the issues and follow your instincts, experience and conscience to come as near as possible to doing what you believe is right. You will inevitably make mistakes and misjudgements. I certainly did. At least some of the criticism I received was deserved. I was at times too inflexible. I tended to limit my focus to a small group of trusted aides and advisors. I was less good at schmoozing with – or, perhaps more importantly, delegating to – others in the government or the party. I suspect it's no coincidence that the man who brought me into government in the first place was often criticized for the same things. By character, instinct and experience, Rabin, too, remained less a politician than a military man. Yet towards the end of his second period as Prime Minister, he did get better at delegating to people around him, and creating an atmosphere that encouraged teamwork, even when he knew he could not accept or act on everything they might suggest. During my term as Prime Minister, I was much less good at that.

But another thing Yitzhak and I shared was a determination to set ourselves specific goals and do everything we could to achieve them. I promised to get the army out of Lebanon. With the Palestinians, I arrived in office convinced that the process begun in Oslo was both a huge opportunity and a potential dead-end. I was

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determined to focus on the end goal: initially, at least, a framework agreement, and over time a final political resolution of our conflict. Ever since the outbreak of the Palestinians' *first* intifada, I believed this was as much in Israel's own interest as theirs. Yet when I entered office, we had no way of knowing whether *Arafat* wanted two states living side-by-side in peace. I felt it was my duty to find out, and, if the answer was yes, to put a peace agreement in place. I felt the same about way about Syria and Hafez al-Assad.

When I left office, I believed I had achieved the most important goals of my premiership. We were out of Lebanon. Though we couldn't achieve the peace agreements I had hoped for, it was not for lack of trying. Along the way, Israel had demonstrated to the world that it was able and willing to consider painful compromises, and that it was the Arab leaders who, at least for now, were unequal to the challenge of making peace. If I'd been able to retain the backing of the voters who made me Prime Minister in 1999, we might even have moved ahead on unilateral disengagement from the Palestinians, dramatically altering the trajectory of our relationship. Yet even without that, Camp David did delineate the terms of any future peace arrangement. When and if conditions allowed a resumption of serious negotiating efforts, the shape, and indeed most of the details, of a final peace between our peoples were now clear.

I was on holiday in the summer of 2001 when Clinton phoned me. *The New Times* had run a piece on how and why the summit, and the subsequent negotiations through the end of the year, ended in failure. When I later read the article, by the Pulitzer Prize-winning reporter Deborah Sontag, I found it a meandering mix of opinions garnered from an assortment of Americans, Europeans, Israelis and Palestinians, including Arafat himself, with the overall conclusion that Clinton and I had not offered as generous a deal as was assumed and that it was somehow unfair to suggest the Palestinians deserved blame for rejecting it. There had been several other articles in various publications along the same lines. I didn't see much point at this stage in setting the record straight. To the extent the content of the *Times* piece bothered me, it was a simple, but important, error of fact. Quoting Arafat himself, Sontag wrote that during the back-patio discussion I had with him at the dinner in Kochav Yair shortly before the new intifada, he'd "implored me to block Mr Sharon's plans" to visit the Temple Mount. Arafat didn't raise the issue at all, and presumably knew that we had consulted his West Bank security chief to ensure it happened quickly, avoided the

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mosques on the Haram, and would not become a catalyst, or in this case a pretext, for violence.

Yet the revisionist history about our peace efforts left Clinton not just frustrated, but genuinely puzzled. What the hell were these people talking about, he asked me. Why were they missing the forest for the trees. "The true story of Camp David," he said, "was that for the first time in the history of the conflict, you and I, the Prime Minister of Israel and the President of the United States, placed on the table a proposal, based on Resolutions 242 and 338, very close to the Palestinian demands. And Arafat refused to accept it as a basis of negotiations, walked out of the room, and deliberately turned to terrorism." All the rest, President Clinton said, was gossip.

All of it was now irrelevant, too. His parameters were off the table. Palestinian violence against Israelis was getting ever deadlier. And I was out of politics. When I delivered my final remarks to a Labor Party meeting, I was asked whether I was leaving politics for good. I replied that I would always remain a member of Labor. But I saw my role as a bit like when I'd left the army. "I'm a reserve officer," I said, adding that I hoped I would not be called back to duty any time soon.

I had been Prime Minister for only 21 months. But I'd been in politics for six years, and in uniform for nearly thirty-six: in public service for more than four decades. Now, suddenly, I was a private citizen. And for a few years, I actually stayed that way.

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Chapter Twenty-Four

I had only a general idea of what I would do next. "Something in business" describes it best. But I sought the advice of a friend who, rather than leaving politics, had just entered it. Colin Powell was now the second President Bush's Secretary of State. "Why don't you go on the lecture circuit?" he said. The short answer was that it hadn't occurred to me that I'd be any good at it. But it proved energizing and interesting both for me and, it seemed, the audiences I spoke to. It was also lucrative. I would deliver four lectures over the span of a week and end up making twice what, until that point in my life, I had earned during a full year. I was also invited onto a number of company boards. I turned down some, in order to avoid even the appearance of a conflict of interest. But I did get involved in an area where I believed my range of experiences might be relevant: investment decisions, and venture capital.

The result was a dramatic change in lifestyle. Nava and I got to spend more time with our daughters. We vacationed overseas for the first time. We also decided to build a new home, and the place that we chose gave me my first experience of how far I was from being a "private citizen" in the eyes of the Israeli public. When it became known we were planning to move to Kfar Shmaryahu near Tel Aviv, one of the wealthiest places in Israel, all hell broke loose. How *could* you, I was asked. I couldn't resist joking that I just wanted to be close to our voters. Likud supporters were about as rare in Kfar Shmaryahu as panhandlers. Along with Mishmar Hasharon, it was the only place where I'd polled over 80 percent even in my loss to Sharon.

Israel had changed dramatically from the kibbutz-centered pioneer society of my youth. Greater Tel Aviv, in particular, was thriving economically, and the rising crop of millionaires, whether from traditional business or in the bourgeoning technology sector, included its fair share of former kibbutznikim. Still, socially and culturally, a puritanical streak remained, a sense that there was something not quite right about people raised on a socialist ideal becoming personally well off. I accepted this. I recognized that I was not just a former kibbutznik. I had been head of the Labor Party. And Prime Minister. Still, I did feel much of the personal criticism was unfair. I had devoted more than four decades of my life to serving my country. I'd behaved with scrupulous honesty while in office, and was avoiding

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any business involvement that could present a conflict of interest now that I had left. Frankly, I saw nothing wrong with earning money through honest endeavor, and using the proceeds to provide economic security for myself and my family, and to give our grandchildren a better start in life than Nava's or my own parents had been able to do.

In the end, we didn't move to Kfar Shmaryahu. But that was because of an even more profound change in my life: I separated from Nava, after more than 30 years together. When we had begun plans to move, I laughed off a warning from a psychologist friend of mine that decisions like building a new house could lead to a deeper reassessment of your life. But that is at least in part what happened. There were also other changes that caused me to stop and take stock. I was no longer Prime Minister. My father had passed away soon after I left office. Professionally, I was exploring new areas and developing new interests. Nava and I had been happily married since our twenties. We had three wonderful daughters, and a first grandchild. Yet the more I thought about where we were in our lives, the more I felt our future paths were pulling us in different directions. For both of us, the separation was difficult, though it was made a bit less painful because Nava knew that it had nothing to do with another woman, or another relationship. I did imagine that I might one day meet someone else. But I was equally prepared for it not happening. I certainly didn't expect it any time soon.

When it did, it began by accident. A few weeks after our separation, I was visiting the Knesset for a discussion about fixing Israel's broken electoral system. In the audience was a member of one of the civic associations pressing for reform: Nili Priell, my first, and only, serious girlfriend before I met Nava. We spoke for a few minutes afterwards. We agreed to meet again, and catch up with each other's lives, a week or so later. Both of us now had grown children. We were both on our own. There is, I assume for everyone, something impossible to replicate about a first love. Nili and I were given an unlikely second chance. That seemed to me an extraordinary gift. It still does.

Yet if my personal life seemed full of new promise, the same could not be said of the country I'd served for my whole adult life, or of the political party I'd led into government. The continuing construction of the security fence along the West Bank finally did begin to reduce the sheer number of Palestinian attacks: from nearly 50 in 2002, to about half that number in 2003. But the suicide bombers who did get through – from Hamas, Islamic Jihad and Fatah's "Al-Aqsa Martyrs'

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Brigade" – struck wherever they could inflict the most terror, and death: at bus stations, on buses, in shopping centers, restaurants and cafés. Over a 12-month period, beginning with a bombing of Tel Aviv's main bus station at the beginning of January 2003, they murdered 145 men, women and children. It would not be until two years' later, with the West Bank fence in place and a range of other security measures, that the attacks, and the deaths, were finally brought down dramatically.

The Labor Party had finally left Arik Sharon's coalition in late 2002. But in Israel's 2003 election – reverting to the old rules again, with a single vote for party and Prime Minister – Arik and the Likud won resoundingly. They doubled their Knesset seats, to 38. Labor, now with only 19 seats, against turned to Shimon Peres, as interim party leader.

I didn't miss the political limelight. But by mid-2004, with the first sign of a major change in policy toward the Palestinians, I felt I had a contribution to make. What first prompted me to dip my toes back into politics were the ever more obvious signs throughout 2004 that Arik's coalition, and his hold on the Likud, were unraveling. Part of his problem was a steady drumbeat of corruption allegations around what had become a kind of family political operation: Arik and his two sons, Omri and Gilad. But Arik also seemed to be undergoing a welcome political conversion, to the need for the more profound political "disengagement" with the Palestinians which I'd long been advocating. He had endorsed the Bush Administration's "road map" for resuming the peace process. Yet with Yasir Arafat ageing, ailing and even less inclined to consider the difficult decisions he had shirked at Camp David, Arik went one, dramatic step further. He raised the idea of unilaterally withdrawing Israeli forces and settlements from Gaza – ensuring a showdown with the rank and file of the Likud, and other parties on the right. His main Likud rival, very much back in front-line Israeli politics, was his Finance Minister: Bibi Netanyahu. Though Bibi remained on board until the last moment, he dramatically resigned for the cabinet in August 2005, a week before the Gaza withdrawal, declaring: "I am not prepared to be a partner to a move which ignores reality, and proceeds blindly toward turning the Gaza Strip into a base for Islamic terrorism which will threaten the state."

To this day, Bibi, along with many Israelis across the political spectrum, draws a direct line between our pullout from Gaza, Hamas's takeover and its violent purging of Fatah's old guard there, and the periodic wars we've had to fight since

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then in response to Hamas rocket fire into Israel. The moral: Arik was wrong to withdraw. But the Islamists' ascendancy was happening anyway. After all, it was Hamas attacks that provided the spearhead of the intifada of terror launched in the wake of Camp David. Arafat's own influence was also inexorably on the wane by the time he passed away, in Paris, at the end of 2004, to be succeeded by Abu Mazen. I do not know of a single senior figure in Israel with any military experience who believes that we would be more secure today if we still had thousands of soldiers and settlers inside Gaza. Surprised though I was by Arik's decision to leave, I had no doubt that the fundamental security judgment he was making – that a disengagement was in Israel's own interest – was the right one. I was encouraged, too, by his parallel announcement of a small, token withdrawal from a few small West Bank settlements. My regret at the time was that he did not go further toward the kind of major West Bank disengagement I'd been arguing for, and that even in Gaza the pullout seemed insufficiently prepared or thought out. The model, I believed, should have been our withdrawal from Lebanon – involving detailed prior consultation with, and political support from, the UN and key international allies. I also felt it was critically important to ensure that, while we would obviously need offshore patrols to prevent arms and munitions from getting in, we allowed and encouraged an environment in which the Gazan economy could function and grow after we left. None of that happened. Though we left Gaza, we effectively sealed off and blockaded one of the most densely populated, economically strapped and politically febrile strips of land on the face of the earth.

Still, I did see it as an important first step toward the kind of wider disengagement that would prioritize Israel's own security interests, and political and social cohesiveness, until and unless conditions allowed a for a serious new effort for a final peace deal. I was heartened when Shimon led Labor back into Arik's coalition at the start of 2005 to ensure he'd have the support necessary to go through with the Gaza withdrawal. And while I did make a brief attempt to return as party leader later in the year, when it was clear I wasn't going to win, I threw my support behind Shimon and against the other challenger, the longtime labor-union leader Amir Peretz, who was running on a platform to take Labor out of Sharon's government.

But Peretz won the leadership election. He did leave the cabinet, forcing Arik to call an early election for March 2006. And that, along with the most ambitious and

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ill-fated Israeli war in Lebanon since 1982, was the reason I ultimately found myself back in the Israeli government.

* * *

It began on July 12, 2006, when Hizbollah fired rockets from southern Lebanon as cover for an ambush of two Israeli Humvees on our side of the border. Two soldiers were killed, and two others abducted. A few hours later, when an Israeli armored unit crossed to look for the kidnapped soldiers, an explosive charge blew up one of our tanks, killing four of its crew members.

Arik was no longer Prime Minister by then. With Bibi marshalling opposition inside the Likud to the Gaza disenagegment, he had formed a new centrist party called Kadima, along with prominent Likud moderates and buttressed by a Labor heavyweight: Shimon Peres. But before the election, Arik suffered a pair of strokes, lapsing into a coma from which he would never emerge. His notional deputy, the veteran Likud politician and former Jerusalem mayor Ehud Olmert, found himself as Prime Minister. Kadima did comfortably win the May election. It ended up with 29 seats, followed by Labor with 19 and leaving the Netanyahu-led Likud with only 12. Olmert formed a coalition, including Labor, which had undeniable political ballast: Shimon was one of his deputy Prime Ministers, along with Haim Ramon. The gifted lawyer, longtime Likudnik and strong backer of the Gaza plan, Tzipi Livni, was Foreign Minister. Amir Peretz, as head of Labor, was given the Defense Ministry. But without Sharon himself at the helm, the government was now about to face a military crisis with virtually no military experience around the cabinet table.

Olmert called an emergency cabinet meeting on the evening of the Hizbollah attack, and just before it was due to convene, my phone rang. It was Shimon, who, though with no first-hand army experience, did at least have the *political* experience in war that none of Olmert's other ministers could offer. He'd been by Ben-Gurion's side during the 1956 war, had been in Golda's government in 1967, and was Defense Minister after the 1973 war, through Entebbe, until Begin's defeated Labor in the 1977 election. Despite our own battles inside Labor, Shimon and I had become closer again of late, especially after I'd supported him in his last

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Labor leadership contest. "Shalom, Ehud," he said when I answered the phone and, without small talk or preliminaries, asked me: "What do you think we should do?"

I said I couldn't offer specific suggestions. "It's a detail-related question, and I don't know the details." But I advised him on the *process* I felt would be needed to come up with the right answer when the chief-of-staff, the former air force chief Dan Halutz, briefed the cabinet. "Halutz will propose what to do. *Push* him," I said. "When he presents his recommended action, ask him for his assessment of what Hizbollah will do in response. When he, or the head of military intelligence, has given you the range of possibilities and told you which is the most likely, say, OK, let's assume that happens. What's our *next* step? How is that going to lead us to our main objectives? And what *are* the objectives?" Newspaper reports the next morning said that Shimon, and only Shimon, did indeed press the chief-of-staff about each further stage of the operation and about the aims that we wanted to accomplish. But Halutz finally fobbed him off by saying that once they *got* to the later phases, they could discuss it.

From the first reports I received through my army contacts, I feared the operation would go badly. There was no doubt we could inflict damage on Hizbollah. But there were no clear answers to the questions Shimon had raised. The initial Israeli air force response had been put in place more than five years earlier, when I was Prime Minister. Codenamed "Operation Cinnamon Sticks," it was designed to take out all of the fixed Hizbollah missile sites we had been able to identify. We knew its limitations. A lot of the rockets were fired from mobile launchers. But in one exercise, the known "Hizbollah" sites were replicated in the Galilee. They were destroyed in 43 minutes. I had no doubt that part of the plan would succeed. In the early hours of July 13, it took only 34 minutes to destroy the nearly 60 launchers we had pinpointed over the previous five years.

But Operation Cinnamon Sticks had been intended as a first step in a far wider assault on Hizbollah and other targets, including a number of infrastructure installations, deeper inside Lebanon. It was part of a plan for a full-scale war, if the government decided that was necessary. As the early public statements by Olmert and other ministers made clear, they did not intend to start a war, at least at the outset. They certainly didn't have a coherent plan for one. But they would soon find themselves in Israel's longest single armed conflict since 1948. When Hizbollah fired hundreds of missiles at Israeli towns and cities, our operation intensified not by plan or military logic, but improvisation. As a former Prime

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Minister, I felt it was not my place to criticize Olmert publicly when Israeli troops were in action. Two days in, in fact, I told a television interviewer that the government had every right to respond and was doing so effectively. Olmert phoned to thank me. When he, like Shimon, asked what I thought the government should do next, I was straightforward: "Do your best to bring things to an end as soon as you can." I said that Halutz and the other generals would be caught up in the operational details, which made his role and that of the cabinet even more critical. "In any operation, you'll have an idea about what represents a satisfactory exit point. But there will be a temptation, when you get close to that point, to take just one more step, to keep going until you're absolutely sure you've reached it." Resist that temptation, I told him. I said there was a danger that, before they knew it, he and the other minister would be in way over their heads.

In pure military terms, there were just two realistic choices in responding the Hibzollah attack: a deliberately limited and fairly brief operation, or a full-scale war. We ended up doing neither. The result was an operation that lasted 34 days, nearly twice the length of the Yom Kippur War. Our air force flew 12,000 missions, more than in 1973 and nearly twice as many as in the 1982 Lebanon War. Hizbollah fired about 4,000 rockets into Israel – from a stockpile we estimated to number nearly 20,000 – and not just at the border settlements but as far south as Hadera and Haifa, keeping hundreds of thousands of Israelis under effective siege. More than 120 Israeli soldiers and 44 civilians were killed. So were hundreds of Hizbollah fighters and, inevitably, many Lebanese civilians as well, with a predictable surge of criticism from much of the outside world. Only President Bush and Britain's Tony Blair steadfastly reminded the critics of how the war had actually begun.

The one putative victory for Israel was the UN cease-fire resolution that Tzipi Livni helped to negotiate in August. At least on paper, it contained a commitment to a "long-term solution" including the disarmament of Hizbollah and the "unconditional release of the abducted Israeli soldiers, which has given rise to the current crisis." But as Israeli newspapers began speaking to the returning soldiers and officers, a picture emerged not just of a long and difficult war, but a lack of clearly communicated military objectives, and an often-chaotic chain of command, which ended up costing Israeli lives. Our final advance, alone, shortly before the cease-fire, claimed the lives of some 30 soldiers. And for *what*, many Israelis were soon asking themselves. One of the newspapers most supportive of the operation at

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the beginning summed up the feeling of most of the country at the end: "If you don't win, you lose... Hizbollah survived. It won the war."

Without the botched handling of the war, I might well have remained a mere member of the Labor Party and a private citizen. But when the commission of inquiry released its report in April 2007, three people were singled out: Olmert, Amir Peretz and Halutz. Olmert was portrayed as a military novice who'd gone into battle without understanding the wartime role and responsibilities of a Prime Minister. Halutz's "excess of charisma" was held responsible for keeping ministers, and military officers as well, from questioning his judgement or pressing him for alternatives. Amir Peretz was found to be the wrong man in the wrong cabinet post at the wrong time. Of the three, only Halutz seemed ready to take personal responsibility. Even before the report came out, he resigned. Olmert and Peretz were determined to stay put, despite calls to quit not just from the opposition but from Tzipi Livni. Inside Labor as well, the war produced a clamor for change. When a vote for party chairman was held in June 2007, I was chosen to return in Peretz's place.

Within days, I replaced him as Defense Minister as well. Yet the main item in my in-box would no longer be Lebanon. I had been briefed a few weeks earlier by Olmert on a threat hundreds of miles further away: a construction site in northeast Syria, along the Euphrates River, where Mossad had uncovered evidence that the Syrians, with technical help from North Korea and funding from Iran, were building a nuclear reactor.

* * *

I had got to know Olmert fairly well over the years, initially when I was in the *kirya* and both he and another rising Likud politician to whom I became closer, Dan Meridor, were members of the Knesset's defense committee. But from the day I returned to the Israeli government in June 2007, there was growing tension between us over dealing with the Syrian nuclear threat. It was not about *whether* we should take military action to destroy the reactor, before the fuel rods arrived on site and it could begin producing bomb-ready material. Just as under Menachem Begin in 1981, when we'd launched our preemptive strike on Saddam Hussein's

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reactor near Baghdad, there was never any question that we would take any and all possible measures to prevent Syria from getting a nuclear weapon. An immutable, core assumption in Israel's security strategy was the need to retain our ability to deter, and if necessary defeat, our enemies. A nuclear Syria – or Iraq, or Iran – would dramatically alter the balance of power in the region, at obvious risk to Israel. Syria posed a particular threat, as part of an increasingly close alliance with Iran, and with Hizbollah in Lebanon.

The question, however, was how and when to strike the reactor. Olmert wanted to attack within days. He seemed to assume that, as a former chief of staff, I'd nod enthusiastically and go along with him. I did understand the reasons for his sense of urgency. Not only did we have to make sure we attacked before the fuel was on site. There was always the risk the Syrians would find out that we were aware of their nuclear facility, putting them on even higher alert. But the operational challenge was complex. We need a fail-safe plan to destroy the reactor. We had to do it in such a way as to avoid a full-scale military confrontation with Syria if possible. And we had to ensure we were ready for that, if it did happen. It took very little time for me to realize that none of those prerequisites was yet in place. Not unlike the recent Lebanon war, we were choosing between two off-the-shelf plans from the *kirya*. One involved using a large military force, and would almost certainly draw us into a major conflict with Syria. The other was a smaller, targeted operation. But it remained untested, and there was no certainty it would actually destroy the reactor.

Over the next few months, Olmert got more and more frustrated with the fact we hadn't yet attacked, and frustrated with me as well. We held dozens of meetings, sometimes two or three a day, chaired by the Prime Minister, sometimes by me as Defense Minister, or by the chief of staff or service commanders. Invariably, I began my remarks by saying: "We have to destroy the reactor." This was not because I felt that any of us seriously doubted that. It was because Olmert was beginning to suggest to the few ministers and senior officers aware of our planning that I was against attacking the reactor. In fact, I was working with the military and Mossad to ensure we had a plan that would succeed, with the minimum possible risk of drawing us into a major clash with the Syrians after the facility was destroyed. I was also working – with the help of the Americans – to make sure we could get the forces and munitions in place in the north of Israel to

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deal with a major conflict with the Syrians. All of this, under a tight seal of secrecy.

Finally, in early September 2007, everything was in place. Olmert briefed the cabinet, and secured the ministers' approval to destroy the reactor, with the understanding that the precise timing of the operation would now be left to the Prime Minister, the Defense Minister and the Foreign Minister: Olmert, me and Tzipi Livni. The three of us met immediately after the cabinet discussion. Olmert argued that the risk of leaks justified attacking that night, and I agreed with him. Tzipi was reluctant, but Olmert turned to her and said: "Are you sure you're comfortable with an attack being ordered by me and Barak, while you chose to abstain?" She thought it over, and added her approval.

We struck just after midnight, in an intricately coordinated air attack that evaded not only a Syrian response, but Syrian notice. The reactor was destroyed. Although even today the exact details remain subject to Israel's military secrecy regulations, accounts published abroad in the weeks and months that followed painted a surprisingly accurate picture, including the pioneering use of electronic warfare capabilities to deal with risk of radar detection. But in the immediate aftermath of the attack, Israel deliberately made no public comment. We refused to say whether we'd had anything to do with an attack. As we he had hoped, this allowed the Syrian President, Bashar al-Assad, both the space and a good reason to deny that it had ever happened, deny that he'd been trying to make a nuclear weapon, and thus feel no compelling reason to retaliate.

* * *

The reactor operation, however, marked the start of an increasingly tough period in both my and Tzipi's relationship with Olmert. Policy was not the problem. There were no major security crises in the months ahead. But in the spring of 2008, it became known that the Israeli police were investigating Olmert's relationship with an American businessman named Moshe Talansky. The suggestion, initially in a New York paper and then the Israeli press, was that Olmert was guilty of taking bribes. In his first public response, he didn't deny

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receiving money from Talansky. But he insisted it was all a part of election campaign contributions.

Publicly, I reserved judgement. "I hope, for everyone's sake, and for Prime Minister Olmert's sake, that the suspicions now circulating turn out to be baseless," I told a reporter. "Let's be patient." Privately, I urged him to take a leave of absence and clear his name. Yet with other ministers convinced that would make things worse, I held off doing anything else until there seemed to me no choice, after Talansky gave evidence in Jerusalem's District Court. Though he genuinely seemed not to have expected anything specific in return, he said he had given Olmert something like $150,000 in cash. I called a news conference the next day. I didn't say whether or not I thought Olmert was guilty. I did say that I believed he couldn't continue leading the country while resolving his "personal matters". Things finally came to ahead in September 2008. When Kadima held fresh leadership elections, Tzipi Livni won. Olmert confirmed he would step aside for his successor. But under Israeli law, he would remain Prime Minister until she either succeeded in forming a new government or called early elections. She opted in the end for Option B, and the election was set for February 2009.

That meant Olmert would still be Prime Minister for another three months. We'd long been discussing the increasingly worrying situation in Gaza. After Arik pulled out, an election had placed Hamas in power, after which the Islamists embarked on a violent purge of Fatah loyalists. Arms smuggling through tunnels from the Sinai had become rife. Rockets from Gaza were now landing on southern Israel. Hundreds of thousands of Israelis were living with the reality of a warning siren and a rapid dash into their shelters. For a while, amid negotiations through Egypt to end the rocket fire, we limited ourselves to sending small ground units into Gaza to target the source of specific rocket attacks. But that was always going to have only a limited effect. It also ran the risk of our soldiers being abducted, or killed.

Pressure was building for a major military operation. With the election drawing nearer, Bibi Netanyahu was reminding voters that he'd been against the pullout from Gaza, and saying that we should now hit Hamas hard. Both Olmert and Tzipi, along with most of the cabinet, were also in favor of doing so. But my long-held view, reinforced by the recent war against Hizbollah in Lebanon, was that we had to begin by deciding what we wanted to accomplish, and what was possible. Only then could we take action. I told the cabinet that, operationally, we were perfectly

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capable to taking over Gaza. But what *then*, I asked. Unless we were prepared to resume open-ended Israeli control, we'd be left with no one to run Gaza afterwards. The obvious candidate, Egypt, was even less interested than we were in assuming responsibility for the more than one-and-a-half million Palestinians who lived there. I doubted that even Arafat would have been ready to do so. But relations had only worsened, since his death in 2004, between the Fatah old guard in the Palestinian Authority on the West Bank and the Hamas overlords in Gaza. I doubted very much that Abu Mazen would want to get involved. I did send an aide to see him to ask whether, in principle, he was open to reassuming control of Gaza following an Israeli takeover. His answer was unsurprising and unequivocal: no.

I secured cabinet support for the more limited aim of restoring a period of calm for Israeli citizens in the south. I said the military operation had to be as sharp and short as possible, and end with some kind of political understanding that the rockets would stop for a significant period of time. The final plan was presented to ministers a few days before the operation. It would begin with surprise air strikes and a naval bombardment, followed by a limited ground incursion to hit remaining Hamas targets outside of the major refugee camps, which I was determined to avoid. The whole operation was intended to last for two weeks at the most. Hopefully, closer to a week, with diplomatic efforts through Egypt to secure a lasting cease-fire and, ideally, prevent Hamas from resupplying its rocket stockpiles through its smuggling tunnels from the Sinai.

When we launched Operation Cast Lead on the morning of December 27, nearly all the Hamas forces were where we'd expected them to be. Two waves of air strikes, with over a hundred jets and attack helicopters, killed 350 Hamas fighters. We destroyed Hamas's headquarters and dozens of its government and police installations. The attacks continued in the days that followed. We took a range of actions designed to minimize civilian casualties. We dropped leaflets before bombing sorties, phoned residents, and fired light missiles before heavier ordnance was used. Still, I realized that civilian casualties were unavoidable – if only because Hamas, like Hizbollah in Lebanon, was deliberately firing its rockets from civilian areas, sometimes even near schools or hospitals. Civilian casualties were obviously tragic in themselves. They also made it inevitable that the longer the operation went on, the more likely we were to face international criticism, and diplomatic pressure to bring it to an end. That was an additional reason I had insisted that the operation be well defined and time-limited.

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But both Olmert and Tzipi soon fell prey to the same self-defeating temptation that had worried me during the meandering war against Hizbollah. Our ground incursion began a few days into the operation. The intention was to stay for a few more days and then, responding to inevitable international appeals, call a halt to a campaign that had already achieved nearly all of its targets. Perhaps wanting to balance the failures in Lebanon there with "success" in Gaza, Olmert wanted us to continue, and expand our attacks deeper into Gaza. I reminded him that we'd *agreed* the aims beforehand. The longer we stayed, the less clear any gains would be. Yes, our ground forces had so far faced virtually no resistance or casualties. "But that's *because* we're outside the main populated areas," I said. "The deeper we get in, the better it will be for Hamas. They gain simply by surviving, like Hizbollah." Yet Olmert kept insisting that we'd succeeded so far, so let's not stop.

It wasn't until January 17, three weeks after the operation began, that we announced a cease-fire. Militarily, the operation was a success. While Hamas launched nearly 3,000 rockets into Israel in the year before our attack, there were only 300 in the year that followed. But politically and diplomatically, the extra week reduced, rather than helped, the chances of reaching an understanding for a longer-term reduction of the attacks. To the extent there was any political gain, it was to burnish Tzipi Livni's credentials as a tough potential Prime Minister ahead of the election. That was not her intent. Of all the politicians I've known, she is among the least interested in such games, especially with lives at stake. But it was one of the effects.

She won the election, in a photo finish, with opinion polls suggesting she'd been effective in shaping the campaign as a choice "between Tzipi and Bibi." Kadima got 28 Knesset seats, to 27 for Bibi and the Likud, which gave her the first crack at forming a government. There's no way of disguising the fact that Labor's result in my first election back in charge was a disappointment. We went down six seats, to 13. The big gainer was a far-right, stridently anti-Arab party called *Yisrael Beitenu*, led by a former Likudnik named Avigdor Lieberman. Tzipi's attempt to form a coalition became less a political process than a contest between rival stalls in a Middle Eastern bazaar. Bibi was holding parallel talks with the Orthodox parties critical to assembling a parliamentary majority. He was matching and raising every assurance of a ministerial seat or budgetary concession that Tzipi was prepared to offer. In the end, she threw up her hands, saying she refused to draw out a process which was not so much a negotiation as organized extortion. I am

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sure she won the respect of many Israelis for taking an all-to-rare stand of principle. She certainly won mine. But I was not alone in wondering whether it was worth the price that she, Kadima, and the country would pay as a result: Bibi's return as Prime Minister in a Likud-led coalition.

Though I was not surprised when he asked me to remain as Defense Minister, and to keep Labor inside the coalition, that was not an easy argument to make to my reduced Knesset contingent. They saw joining Bibi, especially in a government with the right-wing Lieberman as Foreign Minister, as a betrayal of all the efforts that they and I had made to achieve peace with the Palestinians. Still, the decision on whether to join the coalition ultimately rested with the party central committee, almost every one of whose members was on a local government council. For them, the choice was between a share of power, however limited, and the wilderness of opposition. So we joined Bibi's government.

I was personally in favor of our doing so, but for more complicated reasons. I knew that Bibi's background, his instincts and his undeniably powerful political rhetoric were all firmly rooted on the political right. I recognized that he was often more interested in politics than policy, and perhaps above both of those, in the tactical maneuvering required to consolidate his political position. But I had known him long enough to dismiss the suggestions of many of my colleagues that he was intellectually shallow. I felt he was capable of doing what was best for Israel, and that he had a basic pragmatism that would guide how he got there. All that, however, was just a reason for not saying "no" when he asked me and Labor to stay on. The reason I felt it was right to say yes had to two with specific policy challenges. The first was to ensure there at least *some* peace process with the Palestinians. But that, in turn, was in large part because I believed it would win us the diplomatic support, especially from the Americans, needed to tackle a more urgent threat. It again involved an enemy state trying to get nuclear weapons. But not Syria. The Islamic theocracy of Iran.

We'd been aware for a number of years about Iranian efforts to go nuclear. The Mossad had notched up a series of successes in delaying the Iranians from getting there. But they were getting inexorably closer. In fact, when I'd taken over as Defense Minister under Olmert, I formally directed the new chief-of-staff, Gaby Ashknazi, to get to work on a plan to attack the most important facilities in the Iranians' nuclear network, with the aim of pushing back the point at which they might develop a bomb by five to six years. But it became clear we didn't have the

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operational capacity to mount such an attack, in part because we lacked the necessary bunker-busting bombs and the tanker aircraft to get us to Iran and back. I did seek help from the Americans. I met Defense Secretary Bob Gates, CIA director Mike Hayden, National Security Adviser Steve Hadley and even President Bush himself. While not explicitly mentioning that we were planning military action against Iran, I sounded them out on the prospects of getting more heavy munitions, and possibly leasing several US tanker aircraft.

Yet in our final meeting with President Bush, during a visit to Israel in June 2008, he made it clear to Olmert and me that he knew what we were up to. Olmert hosted a private dinner for the President. Afterwards, Bush asked to talk privately. Olmert poured us each a glass of whiskey and lit a cigar, and we sank into brown leather armchairs. Smiling, the president looked straight at me, and said to Olmert: "This guy scares the living shit out of me when he tells me what you want."

He told Olmert how I'd asked for heavy munitions, tankers and a variety of other military equipment. "Remember. I'm a former F-16 pilot," he said. "I know how to connect the dots." Then, turning more serious, he added: "I want to tell both of you now, as President, the formal position of the US government. We are totally against any action by you to mount an attack on the nuclear plants." The effect was all the more dramatic because of his Administration's support for our attack on the reactor in Syria the year before. "I repeat," Bush said, "in order to avoid any misunderstanding. We expect you not to do it. And we're not going to do it, either, as long as I am President. I wanted it to be clear."

Olmert said nothing, so I replied. "Mr President, we're in no position to tell you what the position of the United States should be. But I can tell you what I believe history will have to say. I'm reminded by what we call, in field artillery, 'bracketing and halving.'" I said that in the wake of the Al-Qaeda attack on the Twin Towers, he had fired one shell long, in Afghanistan, and another one short, in Iraq. "But when the time came to hit the real target – Iran – it ended up you'd already spent two terms, and all your political capital." He seemed neither insulted nor unsettled by my remark. He simply nodded. Perhaps, in part, because he was pretty sure that we lacked the ability to attack the Iranian facilities anyway.

We *still* lacked that capacity when I became Defense Minister in Bibi's government in May 2009. But the main reason I'd stayed in the job, and my main

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focus from the day Bibi's government took office, was to do all I could to change that.

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Chapter Twenty-Five

I had hoped that in facing down the nuclear threat from Iran, I could nudge Bibi towards a reengagement with the Palestinians – not with great enthusiasm, but as an act of pure political pragmatism. There were only two ways we could stop the Iranians from getting a nuclear weapon: for the Americans to make sure that happened, or not to hinder Israel from doing so. Either was going to be a lot harder if there was tension with the new American president, Barack Obama, over moves to revive the peace process with the Palestinians.

I didn't expect it to be put to the test so soon. Yet within weeks of our taking office, President Obama launched an effort to restart negotiations, declaring it "intolerable" that there was still not a Palestinian state. He was explicit about what Israel needed to do. In an Oval Office meeting with Bibi in May 2009, and in a speech in Cairo the next month, he called for a total halt to settlement construction on the West Bank. US opposition to settlements wasn't new. For years, Washington's position had been that they represented "an obstacle to peace." The main issue wasn't even the creation of new settlements, since there had been almost none in recent years. It was the expansion of existing ones. The Jewish population on the West Bank had been about 190,000 when I became Prime Minister. In the decade since then, it had grown to 315,000 – more than half-a-million if you counted the Jewish neighborhoods built inside the expanded, post-1967 boundaries of Jerusalem. The expansion – "natural growth" as we euphemistically described it to the Americans – was what President Obama now wanted Bibi to end.

I had no illusions about how hard it would be to get him to agree. With each passing year since Camp David, the pro-settlement right wing in Israel had become more confident and influential. In a way, the settlers and their supporters – passionately devoted to a "Greater Israel" and opposed to any Palestinian state – had become the 21st-century equivalent of the kibbutz avant-garde of a half-century earlier. The rise of Avigdor Lieberman's *Yisrael Beiteinu* party was the latest sign, alongside a move rightward within the Likud itself. For Bibi to say yes to a settlement freeze would mean putting aside his own short-term political interests in recognition of the importance of our alliance with the Americans. He'd actually done this, twice, during his first term as Prime Minister. He had agreed to give the

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Palestinians control of most of Hebron, and accepted further withdrawals under the Wye River agreement. But amid predictable protests from the right, he had promptly retreated from his Wye commitments. I knew that his default response to Obama's call for a settlement freeze would be "no." And it was, delivered first to the cabinet and then to the public, as soon as he got back from his talks with the President.

In my repeated meetings with Bibi in the weeks that followed – both one-on-one, and within the informal group of close ministers and aides known as the Group of Eight – I tried to persuade him that, if only because of America's key role on Iran, we needed to show *some* sign of engagement with Obama's efforts. I was not entirely alone. One ally was an old friend: Dan Meridor, who had rejoined the Likud before the election. Another was more unexpected: Avigdor Lieberman. He was never going to accept a settlement freeze. Not only did his heart, and political interests, lie on the West Bank. He lived there. But like many in the party he led, he had come to Israel from the former Soviet Union, shaping a worldview that in many ways remained European, and pro-Western. He was worried about creating the impression of blanket Israeli intransigence toward a popular new American President, and isolating ourselves internationally, if we didn't go some way towards helping to restart talks with the Palestinians.

Though Bibi showed no signs of retreat on the settlement freeze, he did accept that broader point. Ten days after Obama's Cairo speech, he publicly accepted the idea of a Palestinian state for the first time, having ruled it out as recently as the month before in his White House talks with the President. The shift was dismissed as trivial not just by the Palestinians, but by many in my own Labor party and almost everyone else on the left. I disagreed. I knew how deep, genuine and longstanding Bibi's resistance to Palestinian statehood was. But I had another, serious concern about the "peace plan" he announced: an entirely new precondition he insisted the Palestinians must meet if peace was ever going to be possible. He said they must "clearly and unambiguously recognize Israel as the state of the Jewish people." On a whole series of levels, that made no sense to me. We hadn't asked Egypt or Jordan to grant us explicit recognition as a Jewish state when we made peace with them. Even when Bibi himself had briefly tried to open negotiations with Damascus in his first period as Prime Minister, we'd never felt the need to ask it of the Syrians either. To the extent there was any logic in demanding it of the Palestinians, Bibi's reasoning seemed to be that this would

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neutralize any recidivist claims to all of Palestine, especially since we had around 1.5 million Arab citizens living inside our pre-1967 borders. But as I told Bibi, that was a red herring. There was a more straightforward, legally binding answer: a peace treaty which, as with Egypt and Jordan, declared an end to our conflict and to any further claims on either side.

My main concern was more fundamental. Bibi's new approach contradicted the central thrust of Zionism: that after centuries of powerlessness and persecution, Jews would finally take control of their own destiny. We now had our state. It was more than six decades old. "Why do we need the Palestinians, or *anyone*, to validate us as a Jewish state? Why propose something that implies the Palestinians somehow have a say in what kind of state we choose to be?" Yet the more I pressed him, the clearer it became that the substance didn't much matter to Bibi. His move was political, and tactical, aimed at staking out a position of power in the diplomatic process. Besides, he didn't expect any new negotiations to make real progress anyway.

As Defense Minister, I had scope for taking steps with the Palestinians on my own. With Bibi's knowledge and tacit acceptance, I established a particularly strong relationship with Abu Mazen's Prime Minister, Salaam Fayyad. A respected economist, he operated on the assumption that neither violence nor negotiations seemed likely to lead the Palestinians to statehood as things now stood. He saw his role as doing an end-run. He would put in place the institutions, the infrastructure, the economy, the internal security and the stability needed for an eventual state to succeed. He was trying to do for the Palestinians what Ben-Gurion had done before 1948. He and I met and talked often but discreetly – sometimes in his office in Ramallah, sometimes in mine, sometimes over dinner in the 31st-floor flat I was renting in central Tel Aviv. I remember one dinner in particular. I led him onto the terrace after we'd eaten. It was a startlingly clear night. You could see as far north as Lebanon and, since the West Bank was barely a dozen miles away, the twinkling lights of Ramallah as well. He gazed in that direction, then at the bright lights of the avenues and restaurants and cafés far below us. Smiling, he said: "Ehud, why do you need Ramallah when you've got Tel Aviv?" I smiled back. There was no need to reply. He knew my views. Not only didn't Israel need Ramallah. I was more convinced than ever that it was in our *own* interest, by treaty if possible and unilateral disengagement if not, to remove Israel from all of the major towns and cities of the West Bank.

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I issued a standing directive in the *kirya* that we should agree to anything Fayyad asked for, as long as there no security reason to say no. We ended up arranging a direct source of fuel supply to Jenin, on the northern edge of the West Bank, and built new terminals to handle it. We facilitated construction permits for a new industrial zone. For a conference of international economists and business people, we set up VIP treatment at Ben-Gurion Airport, and limousine transport to the conference venue. I believed that if Fayyad succeeded in what he was trying to accomplish, it would be a benefit not just for the Palestinians, but for Israel too. Bibi was agnostic on Fayyad's efforts. Yet he recognized they did no harm. And in a way, my support for them was politically convenient. To the extent the international community, especially the Americans, appreciated our efforts to help the Palestinians, Bibi and others in the government could, and did, claim credit. When there were complaints from the right, Bibi could and did say: "It wasn't me. It was Barak."

My part in our relations with the Americans was more politically delicate. As I continued to prod Bibi toward accepting a settlement freeze during the summer and autumn of 2009, my *de facto* role became to help smooth over the increasingly rough edges in our ties with the Obama administration. I knew key figures from earlier incarnations in their public lives and mine: Secretary of Defense Bob Gates, who had been President George H. W. Bush's deputy security adviser in the first Iraq war and then head of the CIA; and Hillary Clinton, now Secretary of State. During a series of early trips to the US as Defense Minister, I met Gates, Hillary and other senior figures in the administration both formally and informally. In part because they were aware I favored agreeing to a settlement freeze, they clearly found it a lot easier to talk to me than to Bibi. On one visit, to my regret and Bibi's evident frustration once I'd got home, the press highlighted this dramatic difference in mood. Emerging from talks with me at the State Department, Hillary told reporters that our talks had gone "wonderfully." She added: "As longtime friends do, much was said. And much didn't need to be said." Still, I was careful to avoid any explicit criticism of Bibi in my meetings in the US. I would point out the domestic political pressures on him in deciding how to proceed. And in any case, the Americans knew that no matter what I might say to them, it was Bibi's actions that ultimately mattered. He, not I, was Prime Minister.

I was as surprised as they were when he finally announced a settlement freeze in November 2009. As with nearly everything else he did regarding the peace

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process, it was hedged with several conditions. The freeze would not be open-ended, but last for 10 months, as a way of boosting the effort to restart negotiations. It would apply to new construction, not work already underway. And it would exclude the post-1967 neighborhoods inside the expanded city limits of Jerusalem. Like his other moves, it was also dismissed as insignificant by the Palestinians. Though there was a formal restarting of the talks, they went almost nowhere during the period of the freeze, which Bibi cited as a reason for not extending it further. From then on, the negotiations produced even less. I didn't buy the narrative that this was entirely Bibi's fault. Abu Mazen remained steadfastly, deliberately passive. Obviously not inclined to take the risk of further widening his rift with Hamas in Gaza, he was content to echo the Obama administration's argument that nothing could happen until there was a settlement freeze. Once the freeze was announced, he went through the motions, avoiding all the difficult issues, in the expectation Washington would ensure the freeze was renewed. President Obama's initial Mideast moves had made it much easier for Abu Mazen to avoid any serious engagement. In contrast to past presidents, Obama had placed almost all of the onus for progress on Israel. But the end result also suited Bibi. Though I never entirely gave up hope of persuading him it was in *Israel*'s interest to seek a resolution of our conflict with the Palestinians, it became more evident as the months went on that his aim was simply to keep things ticking over, and avoid any major new crisis.

He appointed an old personal friend – a corporate lawyer named Yitzhak Molcho – as our negotiator. I finally realized how pointless the exercise was when, during a visit to the United States, I found myself in New York at the same time as Molcho. We met at the Israeli consulate. We spoke in detail about the state of the negotiations. With Molcho still in the room, I phoned Bibi in Jerusalem on the secure phone line. I said I'd just been updated on the talks, and it seemed clear there were a number of suggestions Israel could make, with no domestic political risk but with every prospect of improving the atmosphere and accelerating progress. "Yitzhak is one of Israel's top lawyers," I said. "He's struck dozens of deals in his life. But he strikes a deal when that's what his client wants. *You* are the client. If you tell him: bring me back the best deal you can – not a peace treaty, just a deal on a specific issue – he'll do it. But if his brief is simply to negotiate, he can go on negotiating forever. And it's pretty clear me that's his brief." Bibi insisted I was wrong. He said that what I saw as time-wasting was simple prudence, to make sure the negotiations bore fruit. But his approach never changed. Whenever it came

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up in our inner Group of Eight discussions, I could usually count only on Dan Meridor, and occasionally a handful of others, to argue in favor of any form of initiative on our side. In private meetings, Bibi did sometimes engage in discussion about what Israel might do. But he invariably steered the conversation elsewhere, insisting that the *real* issue was the Palestinians' lack of any interest in making peace.

My main worry wasn't the immediate future of the negotiations. For now, the chances of an agreement seemed close to zero. It was the longer-term damage Bibi's approach would do in further delaying any serious move by Israel to put our relations with the Palestinians on a more stable and sustainable footing. The dithering, delay and deadlock suited him politically. Ironically, my own efforts on the security front had also made it easier for us to do next to nothing. Intermittent outbreaks of violence always remained a threat. Yet the West Bank security fence, along with our military, police and intelligence measures, meant it was very unlikely we'd see a return to the full-blown terror war of the second intifada. I was also working to secure US support for our development of increasingly effective anti-missile weapons to reduce the threat from Hamas in Gaza. The overall result was that for many, if not most, Israelis, the conflict with the Palestinians didn't impact on their day-to-day lives. It was unseen and largely unfelt.

Still, the effect of the stalemate on our relationship with Washington did matter: both for our security cooperation on things like the anti-missile weapons and, crucially, the challenge which had led me into Bibi's government in the first place: keeping Iran from getting a nuclear weapon.

* * *

It was a race against time. The Iranians were producing more and more yellowcake, building more advanced centrifuges, accumulating more low-enriched uranium. They were getting better at hiding and protecting the network of facilities being used to try to produce a nuclear weapon. And in the early months of Bibi's Prime Ministership, the question we faced wasn't even whether to take military action against Iran – something I knew, from Bob Gates and others, that the Obama administration viewed no more favourably than George W. Bush. It was

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whether that would even be *possible* to strike before the Iranians entered their "zone of immunity" – the point at which the amount of damage we could do to their nuclear program would be too negligible to be worth the operational, political and diplomatic risks from such an attack. In the early months, my priority was to ensure we at least had a military option. A full year before joining Bibi's government, as Defense Minister under Olmert, I'd first tried to put an operational plan in place, only to find that the lack of heavy munitions and refuelling aircraft made it impossible. That was especially frustrating because at that point, our experts calculated that a successful strike could have set back the Iranian nuclear effort by about six years. Given the Iranians' knowledge we could attack again, and their need to restart clandestine efforts to secure key components abroad, that meant a very real prospect of ending the nuclear program altogether. On joining Bibi's government, I began working, both with the *kirya* and the engineers and technological experts in our military industries, to make sure we had the weaponry and equipment, and an operational plan for a surgical strike. It was not until mid-2010, a year into Bibi's government, that I was confident we'd reached that point, in part thanks to Israeli-produced heavy bombs and tanker aircraft. Our experts estimated we would still be able to set back the Iranian nuclear efforts by up to four years, almost certainly enough to end them indefinitely.

Yet making military action possible proved to be the easy part. The question now became whether we *should* be prepared to launch a strike against Iran's nuclear facilities. Answering it was like a contest of three-dimensional chess, involving both an internal debate among Israel's political and military leadership and discussions with an Obama administration whose priority remained to *negotiate* an end to Iran's nuclear program. On major security decisions in Israel, two ministers always mattered the most: the Prime Minister and Defense Minister. Neither Bibi nor I doubted we had to ready to strike if that proved necessary. Nor did Foreign Minister Lieberman. Even for us, it was an option to be considered only when all other ways to rein in the Iranians were failing. We also agreed on two other preconditions. We would have to secure international legitimacy, most of all from the Americans, for what would be a clear act of self-defense. And we'd need to demonstrate an imperative urgency to act, with the approach of the "zone of immunity" that would take any military option off the table for good.

Ideally, we hoped the US-led campaign of economic and diplomatic pressure would get Iran to abandon its nuclear ambitions, as Libya had done in the wake of

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its terror attack on a Pan American airliner in the late 1980s. Or, as in South Africa, that a change in nuclear policy might come from a change in régime in Tehran. Yet realistically, we couldn't count on either. And there was no doubt in our minds that a nuclear Iran represented a hugely serious threat. If the Shi'ite Muslim regime in Iran did get a nuclear weapon, Sunni Arab states like Egypt and Saudi Arabia, and Turkey as well, would try to go nuclear. Neither they nor we could assume that Iran was developing a bomb as a mere act of deterrence. We couldn't exclude the possibility that, especially in a crisis threatening the survival of the ayatollahs' rule, Iran would use the weapons it was developing. It could even send a nuclear device in a container smuggled on board a commercial vessel docking in one of Israel's ports.

While few in Israel disputed the seriousness of the threat, a number of top political and military figures had deep misgivings about military action. Given the need for secrecy, most of our discussions took place within the so-called Group of Eight, often also including the chief of staff and other top generals from the *kirya.* Both Dan Meridor and Benny Begin, Menachem Begin's son and a minister without portfolio, were opposed to an Israeli attack from the start. They were convinced that the implications for the region, and for our relations with the wider world, were difficult to predict and potentially dire. Dan raised a further concern. He feared an Israeli attack might actually intensify Iran's effort to get a nuclear bomb, only now with political cover, because it would argue it was acting in self-defense. The view of those opposed to an Israeli strike was that we should rely on American economic and political pressure to deal with the threat. And, if that failed, on *American* military action.

In November 2010, the internal debate came to a head, at a meeting involving the Group of Eight as well as the chief of staff, the head of military intelligence and the commander of the air force. We convened in a villa that the Mossad kept for clandestine foreign visitors, near the coastal road north of Tel Aviv. The meeting began with a presentation by the generals of our attack plan. There was still a core of ministers opposed: chiefly Dan Meridor and Benny Begin, but also Boogie Ya'alon, a former Sayeret Matkal commander and chief of staff who Minister of Strategic Affairs. But the confidence and detail with which the plan was laid out, and the fact that Bibi, Lieberman and I were in favor of being prepared to act, gave me the sense that a majority would back military action if it became necessary. The proviso would be the need for the chief-of-staff, and ideally

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the heads of military intelligence and Mossad, to sign off on the operational viability of the plan.

That was what now ended any prospect of military action, at least for a few months. Bibi, Lieberman and I withdrew into a side room to talk with the chief of staff, Gaby Ashkenazi, as well as the heads of military intelligence, the Mossad and and Shin Bet. We emphasized that no final decision on whether to attack had been taken. That would require a further meeting with the Group of Eight, and then the full cabinet. But we asked each of them for their views on the operation. We knew they had political reservations, along the lines of those voiced by Dan Meridor. On an issue of this magnitude, it was accepted practice that military and intelligence commanders could weigh in on the political implications as well. But their formal role was operational and professional. Ashkenazi and the other generals did concede that in every area – planning, materiel, training and intelligence – our attack plan was far ahead of where it had been a year earlier. Yet Ashkenazi, in particular, concluded that the preparations had not yet "crossed the threshold of operational capability".

I was furious. I respected the considered opposition of ministers like Dan or Benny Begin. I had no problem with the chief-of-staff or other generals expressing similar views on the political or geo-strategic implications of an Israeli attack, even though our intelligence assessments suggested the concerns were almost certainly unfounded. Yet what I found astonishing was Ashkenazi's suggestion that the "operational threshold" had not been crossed. Yes, this would be a demanding mission. It was not without risks. No operation was. But having followed every stage and detail of the preparations – and as a former chief of staff and intelligence chief myself – I believed it was simply wrong on a *professional* level to say that we lacked the capacity, and a workable plan, for a military strike if the order was given.

Ashkenazi's objection did mean there was no way we were going to attack at least until well into the new year. Our discussions would continue, as would our refinement and strengthening of the attack plan. So would Iran's progress toward its "zone of immunity," which we now believed would begin late in 2012, a couple of years away. As that point drew closer, we'd face an ever-more-pressing need to decide finally whether military action was necessary.

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Yet the delay in getting to that point had serious implications for my role as Labor Party leader. Since the negotiations with the Palestinians were stuck in neutral, I was under increasing pressure from within Labor to pull out of Bibi's government. What on earth was the point of *staying*, they asked. All I was doing, from their perspective, was giving Bibi political cover for abandoning any serious effort to get a peace agreement. Their argument was entirely reasonable. My frustration was that, due to the need for military secrecy, the *counter-argument* was impossible for me to make: that I felt I had a responsibility to stay at a time when there remained a real possibility Israel might need to take military action against Iran. To a mix of consternation and anger among many Labor colleagues, I ended up taking what seemed to me the only realistic option. In January 2011, I left the Labor Party. With three other of our ministers in the government – who were, of course, aware of the ongoing Iran discussions – I set up a new "centrist, Zionist" party called *Ha'Atzmaut*, or Independence. We remained in Bibi's government.

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My main focus was now on the Americans. In order to secure the "international legitimacy" any Israeli attack required, we had to win at least their *understanding* that we might feel it necessary to act. Fortunately, I had built up a good relationship with the key figures in the Obama administration. That had not always been easy, given the tension between the Americans and Bibi. That wasn't just because of the deadlock in the peace process, still a priority for President Obama. There were other complications. Ever since the initial pressure for a settlement freeze, right-wing politicians and commentators, and Bibi himself, had taken to portraying President Obama as fundamentally unsympathetic to Israel. After the Republicans' victory in the mid-term Congressional elections in November 2010, Bibi went a step further. He began cozying up to congressmen and senators on the other side of the aisle. This overt meddling in the internal politics of our closest ally was not just a breach of longstanding tradition, but of common sense. Members of the Administration began privately calling Bibi "the Republican senator from Rechavia" – a reference to the Jerusalem neighborhood where the Prime Minister's residence was located.

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Yet especially with my main points of contact in the administration – first Bob Gates and then his successor, Leon Panetta, as Secretary of Defense –our broadly shared views, mutual respect, and the strength of the US-Israeli alliance outweighed any of that. Neither they, nor indeed President Obama, wavered from their commitment to the principle that Israel needed to retain our "qualitative military advantage" over any combination of threats we might face, nor to the $3 billion package of annual US aid that underpinned it. We were even able to agree on additional US backing for our increasingly effective range of anti-missile systems: the Arrow, against long-range ballistic missiles, developed in coordination with the US defense contractor Raytheon; "David's Sling," to target enemy forces' mid-range missiles, cruise missiles and aircraft; and our new Iron Dome system, integrating sophisticated Israeli radar and guidance technology and designed to deal with the missile threat from Hizbollah on our northern border and Hamas in Gaza. It had not yet been used in battle. But from test firings, we were confident it could destroy incoming rockets with nearly 90-per-cent success.

By late 2011, the issue of Iran had taken on much greater urgency. There was still no sign the American-led diplomatic efforts were succeeding in removing the nuclear threat. As for an American military strike, though the President intermittently declared that "all options" remained on the table, I knew from senior administration members that it was extremely unlikely to happen. Iran, meanwhile, had been acquiring thousands more centrifuges, more uranium, and heavier protection around its key sites. And the "window of vulnerability" was now only about a year away.

Operationally and politically, at least now a majority of the key players in Israel agreed that we had to be prepared to take military action if there was no alternative way to rein in the Iranians. Ashkenazi's successor as chief-of-staff, Benny Gantz, had signed off on the attack plan. While the Iranians were getting ever closer to nuclear-weapons capability, the strike force that we were assembling was also better equipped, trained and prepared to mount a complex, yet almost certainly successful, operation. The damage to Iran's nuclear ambitions would be considerably less than if we had acted earlier. But our intelligence analysts still estimated we could set back the Iranians' program by about two years.

The immediate problem turned out to be timing. A major joint military exercise with the Americans, agreed on two years earlier, was due to take place in Israel in April 2012. It would include Patriot missile batteries, naval vessels, and thousands

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of uniformed US personnel. The focus was, of all things, on defense against a missile attack from Iran. I contacted Leon Panetta to see whether we could delay it. The official reason cited by the Americans, when they agreed to do it, did have the merit of being true: that Bibi was coming under pressure to shift our budgetary priorities away from defense toward social and economic issues. But Panetta understood that my request for a delay meant we were at least considering military action. He also realized that if we did launch an attack, it was in the Americans' own interest for their troops be as far away from Israel as possible. We agreed to reschedule the exercise for October 2012. That meant that if we did decide to attack, we'd have until well into September, when significant numbers of US troops would begin arriving.

As we weighed our final decision, I held a series of high-level meetings in Washington: with Panetta, national security adviser Tom Donilon, Hillary Clinton, and President Obama himself. Though not explicitly saying we were ready to attack, I left no doubt that we were seriously considering it, and explained the reasons we believed our country's fundamental security interests might make it necessary. The message from all of the Americans I met was that the administration shared our basic goal: to prevent, or at least seriously impair, Iran's drive to get a nuclear bomb. But they continued to believe that *non*-military pressure was the best way to do it.

The Americans knew we were skeptical that the non-military route would work, and that we were deeply worried about the implications of not taking military action if it failed. I discussed our thinking – and, in general terms, our plans – in my meetings with Panetta. He already had a pretty good idea of the broad contours of what we were contemplating, since US radar systems and electronic intercepts had been recording the volume and nature of air force exercises we'd been conducting over recent months. Leon and I had by now got to know each other well, having first met when he was in charge of the CIA at the start of the Obama administration. In one of our early meetings at CIA headquarters in Langley, there had been a small bunch of grapes on his desk and I plucked a few in my mouth with obvious enjoyment. Now, at the Pentagon, he had a big bowlful ready whenever we met. The fact that he opposed an Israeli military operation made him no less of a pleasure to deal with. He was unfailingly calm and even tempered. He had an encyclopedic grasp of issues of defense, intelligence, budgets and policy. He was always rock-solid in America's commitments to Israel. It's worth

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remembering that, in spite of Israel's insistence from 1948 onward that we would never ask others to do our fighting for us, even as Leon and I were meeting, US radar operators were working around the clock to provide us with early warning against any incoming Iranian missiles. Patriot batteries were ready to deploy in Israel within 72 hours of any attack. AEGIS naval vessels were within 96 hours of our shores, to reinforce Israel's Arrow missile defense system with sea-launched weapons.

Panetta made no secret of the fact he didn't want us to launch a military strike, effectively killing off the many months of intensive work the Americans had devoted to building international political and economic pressure on the Iranians. He urged me to "think twice, three times," before going down that road. But he recognized that Israel would be affected far more dramatically by a nuclear Iran. "It's your conflict. It's your neighborhood," he said. At one point, he asked me outright: "If you do decide to attack the Iranian facilities, when will we know?" I told him we couldn't give him more than a few hours' notice. Otherwise, the Americans would have to alert their bases in the Gulf, and worldwide. That might well put Iran on guard before our operation was launched. But I did recognize our responsibility not to leave the Americans in the dark, not only because they were a key ally but because their own military and naval personnel might be at risk from any Iranian retaliation. "We know your command-post deployment and the communications protocols with your forces," I told him. "We'll make sure you have enough time to tell your people," I said. "We won't endanger a single American life, any of your positions or your personnel."

My most important meeting was with the President. Though I knew him less well than I did Panetta, we had met on a number of occasions. The first time was when he was still Senator Obama, on a visit to Israel during the 2008 presidential campaign. As Defense Minister, I escorted him to Sderot, the town in southern Israel bearing the brunt of Hamas rocket attacks from Gaza. Back in Jerusalem, we spent a half-hour talking in my office: about Iran. I argued that a nuclear Iran was a challenge not only for Israel and the Middle East, but for America, too. I urged him, if elected, to commission an early study of what the Iranians were seeking to do and what could be done to stop them either by diplomatic means or, if necessary, by force. Also, what the Iranians could, or more relevantly could *not*, do in response to an American or indeed an Israel attack, since our intelligence assessments suggested their options for retaliation would be fairly limited. Obama

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struck me from that first meeting as strong, cool-headed, highly intelligent and intensely cerebral. Though we didn't go into the details of the Iranian nuclear threat, he did talk at some length about the implications for the region, and about broader Middle Eastern security challenges. He displayed a grasp of the cultural and political nuances of an increasingly diverse and complex world that was more impressive than many of the other American political or military leaders whom I'd met.

When he and I now returned to the issue of Iran, in the White House, he had an undeniable command of the details of Iran's nuclear program, and of the American military options, should he choose to use them. He opened by summarizing the US position. He emphasized that his and our objective was the same: the keep Iran from developing a nuclear weapon. We were already cooperating to achieve that, for instance through cyber-attacks to slow down the nuclear program. The difference, he said, was that Israeli leaders seemed to feel an *urgent* need to reach a decision on military action. In Obama's view, such a move would be both premature and potentially harmful to the coalition he'd helped assemble to exert diplomatic and economic pressure on Iran.

Maybe you had to be an Israeli truly to understand our urgency about Iran. In the early years of the state, the explanation we gave for our preoccupation with security – our near-obsession, as some non-Israelis saw it – was that we were surrounded by Arab countries pledged not just to defeat us, but erase us from the map. Egypt or Syria, Jordan or Iraq, could afford to lose an Arab-Israeli war. Israel's first defeat, however, would be its last. That picture had changed dramatically over the decades. We no longer had to worry about the prospect of losing a war. The "qualitative edge" we possessed over all enemy armies in the region ensured that. As Israel's chief of staff, Prime Minister, and now Defense Minister, I had made it a major priority to safeguard that advantage, not just through our alliance with the US but with the remarkable domestic resources we possessed in military engineering, manufacturing, design, invention and high-tech. But the new-order challenge represented by Iran was not just theoretical or academic. Though we had a policy of not commenting on on our own nuclear status, it was widely assumed in the Arab world and internationally that Israel had, at the very least, the capacity to manufacture nuclear weapons. But whatever nuclear capability we might possess was for deterrence. Even when threatened with conventional defeat, however briefly, in the Yom Kippur War of 1973, it is

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worth noting that the conflict remained conventional. Iran was different. Only the most naïve observer would exclude the possibility that if the Iranians did get a nuclear weapon, they might use it. And even if they didn't, the entire strategic picture would change, with the need to find a response not just to a nuclear Iran, but potentially a nuclear Egypt, Saudi Arabia and Turkey.

I was not about to lecture President Obama on this. While Bibi liked to portray him variously as weak, naïve or tone-deaf to interests and security of Israel, I knew from our previous meetings that he was none of these things. Yet I did, in a deliberately non-didactic way, raise the issue of our different perspectives on the Iranians' getting nuclear arms. "You see it in the context of the whole world," I told the President. "If Iran, in spite of all our efforts, gets a nuclear weapon, yes, it will be bad. But for you, it's just one more nuclear state. It won't dramatically change the situation for America. For us, it can turn into a real, existential threat."

He agreed that we inevitably looked at the situation differently. But after pausing a few seconds, he said: "Ehud, think of it this way. You get to school in the morning and there's this big, nasty bully. You can take him on, maybe give him a black eye. But you have this bigger, stronger friend, who can knock him out cold. The only problem is that your friend won't be there until the afternoon."

I would have liked nothing more than to wait for our "bigger, stronger" friend, especially since I knew through my contacts in the American military and intelligence establishment how much bigger and stronger an American attack would be. During the first couple of years that Israel was working on acquiring the capability for a military strike, the Americans had been no more ready than we were. They did have the tanker aircraft and the heavy bombs. But their *plan* – a kind of Iraq-style shock and awe – was so obviously prone to lead to a wider conflict that it would never have received the go-ahead from President Obama, or probably any president. I used to joke with colleagues in the Pentagon that while Israel's idea of a "surgical operation" was the equivalent of a scalpel, they seemed to favor a chisel and a ten-pound hammer. By the time I met the President in 2012, that had changed. Under Gates and then Panetta, an intensive research-and-development effort and enormously improved planning and training had yielded results. The Americans now had high-precision heavy munitions we couldn't dream of, and stealth air-attack capabilities we also lacked. They had an operational plan which, within a period of hours, could push the Iranian nuclear

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program back by years. And even if the Iranians knew it was coming, they'd be able to do nothing to stop it.

"Our problem, Mr, President," I said, "is that we can't be sure our friend will show up. Since Iran is already very nearly in a zone of immunity against an Israeli attack, we can't afford to wait until the afternoon. By then, with *our* capabilities, we won't even be able to give the bully a black eye." I said I trusted what he'd just told me. "I'm sure it genuinely reflects your intentions now. But there are no futures contracts in statesmanship. There's no way that you, or any leader, can commit yourself to what will happen in a year or two. When the moment of decision arrives, nothing will be able to free you from the responsibility to look at the situation as it is *then*, with *American* interests in mind."

He accepted the point. But he reiterated his view that "kinetic action" – US security-speak for a military strike – would not only remove his ability to exhaust the non-military alternatives. He said it wouldn't be in Israel's interests, either. "We hear that even people high up in your military, in military intelligence and the Mossad, are against it."

That, I couldn't deny. "We highly respect our top people in the military, and in intelligence. We make a point of listening to them before taking action," I said. "But here's the difference. When they look up, they see Netanyahu, or me. When Bibi and I look up, we see heaven. Whoever is up there, we clearly can't go to them for advice. *We* are responsible for Israel's security."

The president smiled, but brought the discussion back down to earth. When he again urged us to consider the American position in any decision, I replied: "Mr President, I feel compelled to tell you frankly how I see the situation. We highly appreciate, and are grateful, that America supports Israel in so many ways. I believe we're doing our best to support American interests in the Middle East as well. But when it comes to issues critical for the security and future of Israel, and in a way for the future of the Jewish people, we can't afford to delegate responsibility even to our best friend and ally. When we face such situations, we have to decide on our own, and act on our decisions. I would expect the United States, and you as its president, to respect that position." He did not seem especially happy with what I'd said. But he showed no anger. Though we differed, it was clear that he understood and respected our position. In any case, I believed it

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was important to convey to him honestly, face-to-face, where Israel stood on Iran. Or at least where I stood.

* * *

With our joint exercises pushed back until the fall, the logical time for us to attack was the summer of 2012, when the atmospheric and weather conditions were optimal. Operationally, everything was ready. Politically, those ministers who were against military action had not changed their minds. If anything, they seemed more strongly opposed. Ironically, they now argued that because we'd *waited* so long, the Iranians were too close to their "window of immunity." Even some senior members of the military and security establishment, though in agreement over the technical aspects of the attack plan, retained political reservations. But as I'd told President Obama, now that we had the operational support of the military and intelligence professionals, the decision in effect rested with Bibi and me. The fact we were ready to go ahead in those circumstances was not unprecedented. When Menachem Begin ordered the bombing of Saddam Hussein's nuclear reactor in 1981, he had acted against the advice of the then-heads of both the Mossad and military intelligence, the chairman of our nuclear energy commission, and of Shimon Peres, who was head of the Labor opposition.

But as we neared our final, formal decision, we were forced into another delay. In the summer of 2012, an unrelated flare-up of tensions in the Gulf caused Iran and several of its neighbors to place their forces on heightened alert. Though the peak-alert phase passed quickly, Iran's military was still not back on a fully normal footing by the start of September, and when small American advance teams began arriving for the joint exercises, Iran's alert level went up again. Technically, we could still have gone ahead with the attack. In all probability, it would still have succeeded, setting back the Iranians' program by at least a year and, depending on how quickly they could rebuild and resupply clandestinely abroad, perhaps for significantly longer.

But as more and more American soldiers and sailors arrived, I finally decided against an Israeli strike – not because I doubted the damage it would do to Iran's nuclear efforts, but because of the damage it would surely do to our ties with the

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US. No matter how we might explain our attack, with the joint exercises soon to begin, it would come over as a deliberate attempt to implicate our most important ally in a potential conflict with Iran, against the explicit wishes of President Obama. I felt this even more strongly when, a few weeks later, I was contacted by one of Bibi's close political allies. He sounded me out on the possibility of launching our strike against Iran *after* the joint exercise: barely two weeks before the 2012 US election. Politically, he argued, Obama would then feel *compelled* to support Israel's action, or at the very least to refrain from criticizing it. In other words, we would be setting a political trap for the President of the United States. I couldn't quite believe he was suggesting it. But my reply to this last-gasp suggestion of a way for us to attack the Iranian sites required no hesitation, and only two words: "No way."

Bibi would have known I would oppose such a ploy. But as with so much else in the years I spent in his government, I think it was the *politics* of the scheme, more than the substance, that enticed him. Almost everything he did seemed increasingly about creating a kind of grand narrative to secure his position on the right, solidifying a base which he figured would sustain him in office. At its core, the narrative presented a picture of vulnerability and victimhood: a kind of "fortress Israel" threatened by terror, missiles on its northern and southern borders, and now potential nuclear annihilation from Iran, while our main ally, the United States, was under the sway of a President who neither understood nor fundamentally supported us. In day-to-day policy terms, this allowed Bibi to insist we couldn't *risk* serious engagement with the Palestinians. On domestic issues as well, like the widening gap between those at the top of our high-tech economy and a painfully squeezed middle class, the sense of crisis he encouraged gave him license to hunker down, warn of impending doom, and do virtually nothing.

Effective though the narrative was for him politically, it bore no resemblance to reality. Yes, President Obama disagreed with us on issues of policy, both the peace process and on how to deal with Iran. But he was unquestionably committed to America's alliance with Israel. I had dealt face-to-face with four US presidents: both of the Bushes, President Clinton and now President Obama. In terms of Israeli security, none had proved as consistently supportive and helpful as Obama. And yes, Israel did face an array of security challenges. A nuclear-armed Iran would undeniably make things worse. But far from being under existential threat, we

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were a regional superpower, with a military as effective as any in the world, and a high-tech economic sector justifiably compared to Silicon Valley.

Every few weeks, Bibi, Lieberman and I would meet for a wide-ranging discussion on the patio of the Prime Minister's residence. Shortly after we'd abandoned the idea of a military strike, I raised head-on my objections to the skewed image Bibi was promoting of our country. It wasn't just inaccurate, I said. Especially when his rhetoric was in full flight, and he compared the prospect of a nuclear Iran to a new "Holocaust," it struck me as a betrayal of the core tenet of Zionism: an state in which Jews were in control of their own destiny. "We *are* in that position now," I said. It was nonsensical to argue we were so threatened by everything around us, for instance, that we couldn't "risk" taking the initiative required to disentangle ourselves from the Palestinians on the West Bank. "I don't get you," I said, turning to Lieberman as well. "Your *rhetoric* suggests you have spines of steel. But your behavior is living proof of the old saying that it's easier to take Jews out of the *galut*, than take the *galut* out of the Jews." *Galut* is Hebrew for the diaspora. "The whole Zionist project was based on the idea of taking our fate into *our own hands*, and actively trying to change the reality around us. But you behave as if we never left the *galut*. You're mired in a mindset of pessimism, passivity and anxiety, which in terms of policy or action, leads to paralysis. Of course, there are risks in any action, or any policy initiative. But in the situation where Israel finds itself, the biggest risk of all is being unable or unwilling to take risks, as if we somehow on the brink of destruction."

I was especially upset by Bibi's increasingly use of Holocaust imagery. "Just think of what you're saying," I told him. "You're Prime Minister of the State of Israel, not a rabbi in a *shtetl*, or a speaker trying to raise funds for Israel abroad. Think of the implications. We're not in Europe in 1937. Or 1947. If it is a 'Holocaust,' what's our response: to fold up and go back to the diaspora? If Iran gets a bomb, it'll be bad. Very bad. But we'll still be here. And we'll find a way of dealing with the new reality."

Yet "fortress Israel" was irresistibly comfortable for Bibi politically. I now had to accept that, while he and I had known each other for more than half-a-century, nothing I could do or say was going to change that. With the next Israeli election months away, in January 2013, I confided to Nili, and then to my closest aides, that I was not going to run for a seat in the Knesset. Israeli military action against Iran

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was off the agenda. The diplomatic process with the Palestinians was stalemated. I could see no point in remaining in the government.

Like my last period in Olmert's government, my final few months were dominated by finding a way to end Hamas attacks from Gaza. During one 24-hour period in November, Hamas launched more than 100 rockets at towns in the south, while also attacking two military units across the border. Especially since our military response would be the last during my time as Defense Minister, I was determined that, this time, it would have a strictly defined objective and a finite time frame. The overall objective hadn't changed since Olmert's premiership: to hit Hamas hard, bring down the number of rocket attacks to as near zero as possible, and reach an agreement, through the Egyptians, which established a period of calm on our border for as long as we could. Bibi's "victimhood" narrative notwithstanding, one aspect of the military balance in the south was now dramatically different. With my backing as Defense Minister, we now had Iron Dome, which I was confident would help deal with the inevitable shower of Hamas rockets that would follow our initial attack. Again, I felt it was essential to start with a quick, unexpected, damaging first strike. Then, through sustained air bombardment, to keep up enough pressure to secure the political arrangement we wanted. And, unlike under Olmert, to end the operation as soon as we'd achieved its aim.

On the afternoon of November 14, we launched a targeted air strike on Hamas's *de facto* chief of staff, Ahmed Jabari. We'd gone after Jabari in the past but, for one reason or another, had failed. We also hit nearly two dozen other Hamas targets, including all of the main missile sites we had identified. The whole operation lasted a week. Hamas fired nearly 1,500 rockets into Israel, not just locally manufactured Qassems but longer-range Iranian Fajr-5s and Russian Grads. For the first time since the 1991 Gulf war, several were targeted at Tel Aviv and Jerusalem. Fortunately, they were not significantly more accurate than in the past. More than half landed in fields or orchards. And with Iron Dome deployed around our major towns and cities, more than 80 per cent were intercepted.

We hit nearly 1,500 targets over the seven-day period, mostly launch-pads, Hamas government installations and weapons stores, but also a number of apartment complexes being used by Hamas as bases or firing points. Bibi rightly pointed out that we were forced to fight a fundamentally asymmetric battle. While Israel began with the principle of directing our fire *away* from civilian areas,

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Hamas based its launchers in precisely those places. So it was not easy. At one point, we announced a call-up of reserves. We hinted at a possible ground incursion. But both Bibi and I knew we were going to avoid that if at all possible, and we did. Though there were inevitable civilian casualties, most of the Palestinians killed were Hamas fighters and leaders, including not just Jabari but the head of Hamas's rocket program. By limiting ourselves to air strikes and naval fire, the Palestinian death toll was around 150, about one-tenth of what it had been in 2008. Six Israelis, including four civilians, lost their lives. On the 21st of November, the cease-fire was announced.

Yet with the election approaching, and my time in public life drawing to a close, I had no illusion that this latest military operation, or future ones, would bring us closer to the negotiating peace with the Palestinians that had eluded us since Oslo. Nor was I confident that, having been unable to mount a military strike of our own on Iran, Obama's "bigger, stronger kid" in the schoolyard would take military action. I did trust him to do all he could to use diplomacy to constrain Iran's efforts to get a bomb. I feared he might fail. Even if he succeeded, I figured the best case would be an agreement that, at least on paper, delayed the Iranians' development of a weapon. My hope remained that Israel's relationship with the Americans would be sufficiently strong for us to reach a formal understanding of what form of surgical military strike each of our countries might take if Iran didn't honor the terms of a negotiated deal.

When I first left political life after my election defeat in 2001, I'd described my status as the equivalent of a reserve officer. I said, and believed, it was unlikely I'd return for the foreseeable future. But I knew it wasn't impossible. This time was different. When I announced publicly that I was leaving politics, five days after the Gaza cease-fire, I pointed that I had spent the greater part of my life as a soldier. I'd never had a burning desire to be a politician. Though I believed that what I'd attempted, and achieved, in government would prove to have safeguarded and strengthened Israel, I knew that important challenges and decisions still lay ahead. So did our unfulfilled dream of being a country that was not just strong, secure and prosperous, but socially just and at peace. Yet I believed it was right to draw my time on the front line of politics to an end. Though I didn't say so, I thought to myself: this time doesn't feel like a step back into the reserves, but genuinely like the end of something. Though my dedication to a secure, strong, just, democratic and ultimately peaceful Israel would not change, whatever contribution I might

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make to our getting there would no longer be on the battlefield, in the *kirya* or around the cabinet table.

As a number of reporters pointed out, when I made the announcement I was relaxed. I looked content, and I was smiling.

HOUSE_OVERSIGHT_011903

From: Lawrence Krauss [redacted]
Sent: 4/5/2018 10:16:55 PM
To: jeffrey E. [jeevacation@gmail.com]
Subject: Re:

Importance: High

Let's do a men of the world conference.

Kevin spacey
Bill Clinton
Al franken
Woody Allen
....

Lawrence M. Krauss
Director, The Origins Project at ASU
Foundation Professor
School of Earth & Space Exploration and Physics Department
Arizona State University, P.O. Box 871404, Tempe, AZ 85287-1404
[redacted]
origins.asu.edu | **twitter.com/lkrauss1** | **krauss.faculty.asu.edu**

Sent from my iPhone

On Apr 5, 2018, at 2:04 PM, Lawrence Krauss [redacted] wrote:

Enjoy.

Lawrence M. Krauss
Director, The Origins Project at ASU
Foundation Professor
School of Earth & Space Exploration and Physics Department
Arizona State University, P.O. Box 871404, Tempe, AZ 85287-1404
[redacted]
origins.asu.edu | **twitter.com/lkrauss1** | **krauss.faculty.asu.edu**

Sent from my iPhone

On Apr 5, 2018, at 1:41 PM, jeffrey E. <jeevacation@gmail.com> wrote:

------- Original message --------
From: Tina Brown

The Women in the World Summit opens April 12 and runs through April 14 with a power packed agenda of remarkable female newsmakers sharing their stories of male misbehaviors.

Confidential agenda enclosed here.

Full list of participants below.

Afrah Nasser
Alyse Nelson
Ambra Gutierrez
Andrea Mitchell
Asia Argento
Astrid Cantor
Athena Jones
Barbara Lynch
Bianna Golodryga
Bushra Aldukhainah
Carmen Rita Wong
Carrie Gracie
First Lady Chirlane McCray
Christa Quarles
Cindi Leive
Cynthia McFadden
Dambisa Moyo
Danya Sherman
Dara Khosrowshahi
Delaney Tarr
Dominique Crenn
Diane von Furstenberg
Ece Temelkuran
Emily Kennedy
Eva Lewis
Federica Dávila
Dr. Fozia Alvi
Gillian Tett
Harris Faulkner
Hillary Clinton
Holly Harris
Jacquelyn Birdsall
Jameela Jamil
Janis McGrory
Jennifer Rademaker
Joanna Coles
Joy Nash
Joy-Ann Reid
Juju Chang
Julianna Margulies
Katie Couric
Katy Tur
Karen Minkel
Senator Kirsten Gillibrand
President Laura Boldrini
Laura Wasser
Leah Busque
Leila Hoteit
Lesley Stahl
Leymah Gbowee
Senator Lisa Murkowski
Madeleine Habib
Margaret Atwood

Markus Strobel
Marti Noxon
Maxeme Tuchman
Maye Musk
Melissa Arnoldi
Michaela Angela Davis
Michelle Goldberg
Mindy Grossman
Misty Copeland
Naomi Wadler
Nicholas Kristof, honorary female
Norah O'Donnell
Patricia Evangelista
Paula Polito
Perri Peltz
Robin Roberts
Ronan Farrow, honorary female
Rula Jebreal
Sade Baderinwa
Sally Yates
Saru Jayaraman
Sheila Nevins
Sophie Gregoire Trudeau
Stephanie Mehta
Sunitha Krishnan
Dr. Suzanne Barakat
Tamara Chergoleishvili
Terry Crews
Topeka Sam
Viola Davis
Yevgenia Albats
Zainab Salbi

Tina Brown | Founder and CEO
Tina Brown Live Media/Women in the World
[redacted]

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From: Nicholas Ribis [redacted]
Sent: 5/7/2019 1:53:22 PM
To: 'J' [jeevacation@gmail.com]
Subject: RE:

Importance: High

More bad news for our friend

From: J [mailto:jeevacation@gmail.com]
Sent: Tuesday, May 07, 2019 12:29 AM
To: Nicholas Ribis <[redacted]
Subject:

https://www.nytimes.com/2019/05/06/us/politics/trump-inauguration-stephanie-winston-wolkoff.html?action=click&module=Top%20Stories&pgtype=Homepage

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☒ IN THE CIRCUIT COURT OF THE ELEVENTH JUDICIAL CIRCUIT IN AND FOR MIAMI-DADE COUNTY, FLORIDA.
☐ IN THE COUNTY COURT IN AND FOR MIAMI-DADE COUNTY, FLORIDA.

DIVISION	CIVIL ACTION SUMMONS (b) Form for Personal Service on a Natural Person	CASE NUMBER
☒ CIVIL ☐ DISTRICTS ☐ OTHER		14021348CA01

PLAINTIFF(S)	VS. DEFENDANT(S)	CLOCK IN
JEAN-LUC BRUNEL	JEFFREY EPSTEIN, TYLER MCDONALD, TYLER MCDONALD D/B/A Y!.ORG	

THE STATE OF FLORIDA: TO EACH SHERIFF OF THE STATE, YOU ARE COMMANDED to serve this Summons and a copy of the Complaint in this lawsuit on defendant:

To Defendant(s):	Address:
JEFFREY EPSTEIN	Probation Office · 423 Fern Street #100, West Palm Beach, FL 33401 358 El Brillo Way Palm Beach, FL 33480-4730

IMPORTANT

A lawsuit has been filed against you. You have 20 calendar days after this summons is served on you to file a written response to the attached complaint with the clerk of this court. A phone call will not protect you. Your written response, including the case number given above and the names of the parties must be filed if you want the court to hear your side of the case. If you do not file your response on time, you may lose the case, and your wages, money and property may thereafter be taken without further warning from the Court. There are other legal requirements. You may want to call an attorney right away. If you do not know an attorney, you may call an attorney referral service or a legal aid office (listed in the phone book).

If you choose to file a written response yourself, at the same time you file your written response with the Clerk of the Court, you must also mail or take a copy of your written response to the "Plaintiff/Plaintiff's Attorney" named below. The central location of the Clerk's office is at the Dade County Courthouse. The address for the courthouse, and branch locations are listed below for your convenience:

DADE COUNTY COURT LOCATIONS

☒ Dade County Courthouse (05)
Room 133
73 West Flagler Street
Miami, Florida 33130

☐ Joseph Caleb Center (20)
Room 103
5400 NW 22 Avenue
Miami, Florida 33142

☐ North Dade Justice Center (23)
Room 100
15555 Biscayne Blvd.
North Miami Beach, Florida 33160

☐ Miami Beach District Court (24)
Room 200
1130 Washington Avenue
Miami Beach, Florida 33139

☐ Coral Gables District Court (25)
Room 100
3100 Ponce De Leon Blvd.
Coral Gables, Florida 33134

☐ South Dade Justice Center (26)
Room 1200
10710 SW 211 Street
Miami, Florida 33189

☐ Hialeah District (21)
Room 100
11 East 6th Street
Hialeah, Florida 33010

SERVICE

Plaintiff/Plaintiff Attorney	Address:
JOE TITONE Florida Bar No. 203882	621 S.E. 5TH STREET, POMPANO BEACH, FL 33060

HARVEY RUVIN CLERK OF COURTS	BY: DEBRA SANCHEZ DEPUTY CLERK	DATE ON: FEB 09 2015

AMERICANS WITH DISABILITIES ACT OF 1990
ADA NOTICE

"If you are a person with a disability who needs any accommodation in order to participate in this proceeding, you are entitled, at no cost to you, to the provision of certain assistance. Please contact the Eleventh Judicial Circuit's ADA Coordinator, Lawson E. Thomas Courthouse Center, 175 NW 1st Ave., Suite 2702, Miami, FL 33128, Telephone (305) 349-7175; TDD (305) 349-7174, Fax (305) 349-7355 at least 7 days before your scheduled court appearance, or immediately upon receiving this notification if the time before the scheduled appearance is less than 7 days; if you are hearing or voice impaired, call 711."

☐ EN LA CORTE DE CIRCUITO DEL UNDECIMO CIRCUITO JUDICIAL EN Y PARA EL CONDADO DE MIAMI-DADE, LA FLORIDA.
☐ EN EL TRIBUNAL DEL CONDADO EN Y PARA EL CONDADO MIAMI-DADE, LA FLORIDA.

DIVISION ☐ CIVIL ☐ OTRA	EMPLAZAMIENTO DE ACCION CIVIL (b) NOTIFICACION PERSONAL A PERSONA NATURAL	NUMERO DE CASO
DEMANDANTE(S)	VS. DEMANDADO(S)	HORA
A Demandado(s):	Direccion:	

IMPORTANTE

Usted ha sido demandado legalmente. Tiene 20 dias, contados a partir del recibo de esta notificacion, para contestar la demanda adjunta, por escrito, y presentarla ante este tribunal. Una llamada telefonica no lo protegera. Si usted desea que el tribunal considere su defensa, debe presentar su respuesta por escrito, incluyendo el numero del caso y los nombres de las partes interesadas. Si usted no contesta la demanda a tiempo, pudiese perder el caso pordria ser despojado de sus ingresos y propiedades, o privado de sus derechos, sin previo aviso del tribunal. Existen otros requisitos legales. Si lo desea, puede usted consultar a un abogado inmediatamente. Si no conoce a un abogado, puede llamar a una de las oficinas de asistencia legal (Legal Aid Office) o un servicio de referencia de abogados (Attorney Referral Service) que aparecen en la guia telefonica.

Si desea responder a la demanda por su cuenta, al mismo tiempo en que presenta su respuesta ante el tribunal, debera usted enviar por correo o entregar en la mano una copia de su respuesta a la persona denominada abajo como "Plaintiff/Plaintiff's Attorney" (Demandante o Abogado del Demandante) y presentar su contestacion a la demanda al Secretario del Juzgado. La ubicacion central de la Oficina del Secretario esta en el edificio de la Corte del Condado de Dade. La direccion de la Corte, y de las sucursales aparecen en la lista siguiente para su conveniencia:

LOCALIDAD DE LOS TRIBUNALES DEL CONDADO DE DADE

☐ Dade County Courthouse (05)
Room 133
73 West Flagler Street
Miami, Florida 33130

☐ Joseph Caleb Center (20)
Room 103
5400 NW 22 Avenue
Miami, Florida 33142

☐ North Dade Justice Center (23)
Room 100
15555 Biscayne Blvd.
North Miami Beach, Florida 33160

☐ Hialeah District (21)
Room 100
11 East 6th Street
Hialeah, Florida 33010

☐ Miami Beach District Court (24)
Room 200
1130 Washington Avenue
Miami Beach, Florida 33139

☐ Coral Gables District Court (25)
Room 100
3100 Ponce De Leon Blvd.
Coral Gables, Florida 33134

☐ South Dade Justice Center (26)
Room 1200
10710 SW 211 Street
Miami, Florida 33189

Demandante o Abogado del Demandante Numero del Colegio de Abogados:	Direccion:

EL ESTADO DE LA FLORIDA: A cada alguacil del Estado: Se le ordena que hagen entrega de esta notificacion y una copia de la demanda en este pleito al demandado(s) mencionada arriba.

HARVEY RUVIN Secretario del Tribunal del Condado	POR: _____ Como Secretario Adjunto	FECHA

Ley para Estadounidenses con Incapacidades

"Si usted es una persona minusválida que necesita hacer arreglos para poder participar en este proceso, usted tiene derecho, sin gasto alguno, a que se le provea cierta ayuda. Por favor póngase en contacto con el Coordinador de ADA en el Onceavo Distrito Judicial ubicado en el Lawson E. Thomas Courthouse Center, 175 NW 1st Ave. Sala 2702, Miami Fl 33128, Teléfonos (305)349-7175; TDD (305) 349-7174, Fax (305) 349-7355 por lo menos 7 días antes de la cita fijada para su comparecencia en los tribunales; o inmediatamente después de recibir esta notificación si el tiempo antes de la comparecencia que se ha programado es menos de 7 días; si usted tiene discapacitación del oído o de la voz, llame al 711."

☐ AU TRIBUNAL DU ONZIEME ARRONDISSEMENT JUDICIARE DANS ET POUR MIAMI-DADE, FLORIDE.
☐ AU TRIBUNAL DE JUGEMENT ET POUR LE DEPARTENT DE MIAMI-DADE, FLORIDE.

DIVISION ☐ CIVILE ☐ AUTRE	CONVOCARION D' ACTION CIVILE (b) LIVRAI ON PERSONNELLE A UNE PERSONNE	NUMERO DE CAS
PLAINTE(S)	VS. CONTRE ACCUSE(S)	HEURE IN
A (AUX) ACCUSE(S):	ADRESSE:	

IMPORTANT

Des poursuites judiciaires ont ete enterprises contre vous. Vous avez 20 jours consecutifs a partir a de la date de l'assignation de cette citation pour deposer une response ecrite a la plainte ci-jointe aupres de ce tribunal. Un simole coup de telephone est insoffisant pour vous proteger. Vous etes obliges de deposer votre response ecrite, avec mention du numero de dossier ci-dessus et du nom des parties nommees ici, si vous souhaitez que le tribunal entende votre cause. Si vous ne deposez pas aotre reponse ecrite dans le relai requis, vous risquez de perdre la cause ainsi que votre salaire, votre argent, et vos biens peuvent etre saisis par la suite, aucun preavis ulterieur du tribunal. Il y a d'autres obligations juridiques et vous pouvez requerir les services immediats d'un avocat. Si vous ne connaissez pas d'avocat, vous pourriez telephoner a un service reference d'avocats ou a un bureau d'assistance juridique (figurant a l'annuaire de telephones).

Si vous choisissez de deposer vous-meme une reponse ecrite, il vous faudra egalement, en meme temps que cette formalite, faire parvenir ou expedier une copie de votre reponse ecrite au "Plaintiff/Plaintif's Attorney" (Plaignant ou a son avocat) nomme ci-dessous et enregistrer votre reponse avec le Greffier du Tribunal. L'adresse centrale du bureau du Greffier est le Dade County Courthouse. L'adresse du tribunal,et l'adresse des succursales sont dans ci-dessous pour votre convenance

ADRESSES DES TRIBUNAUX EN DADE

☐ Dade County Courthouse (05)
Room 133
73 West Flagler Street
Miami, Florida 33130

☐ Joseph Caleb Center (20)
Room 103
5400 NW 22 Avenue
Miami, Florida 33142

☐ North Dade Justice Center (23)
Room 100
15555 Biscayne Blvd.
North Miami Beach, Florida 33160

☐ Hialeah District (21)
Room 100
11 East 6th Street
Hialeah, Florida 33010

☐ Miami Beach District Court (24)
Room 200
1130 Washington Avenue
Miami Beach, Florida 33139

☐ Coral Gables District Court (25)
Room 100
3100 Ponce De Leon Blvd.
Coral Gables, Florida 33134

☐ South Dade Justice Center (26)
Room 1200
10710 SW 211 Street
Miami, Florida 33189

Plainte/Avocat du Plainte Numero de barreau de la Floride:	Adresse:

L'TAT DE LA FLORIDE: A chaque sherif de l'etat vous etes oblige de presenter cette citation et une photocpie de la plainte de ce document sur l'accuse (e) ci-desus.

HARVEY RUVIN Greffier de Tribunal	PAR:_____ COMME GREFFIER ADJOINT	DATE ON:

ACT DE 1990 POUR AMERICAINS HANDICAPES
AVIS DE l' ADA

"Si vous êtes une personne handicapée qui a besoin d'accommodement pour pouvoir participer à cette procédure, vous avez le droit, sans aucun coût, d'avoir de l'aide à votre disposition. S'il vous plaît contacter le Coordinateur de l'ADA du Tribunal de l'Onzième Circuit Judiciaire, Lawson E. Thomas Courthouse Center, 175 NW 1st Ave. Suite 2702, Miami, FL. 33128, Téléphone (305) 349-7175; TDD (305) 349-7174, Fax (305) 349-7355 au moins 7 jours avant la date de comparution au tribunal, oubien immédiatement après avoir reçu cet avis si la date avant la comparution est moins de 7 jours; si vous avez une incapacité pour entendre ou parler, appelez le 711."

☐ NAN TRIBUNAL ONZYEM AWONDISMAN JIDISYE NAN E POU MIAMI-DADE COUNTY, FLORIDA.
☐ NAN TRIBINAL E POU TRIBINAL NAN MIAMI-DADE COUNTY, FLORIDA.

DIVIZYON ☐ SIVIL ☐ LOT	KONVOKASYON POU KA SIVIL (b) DELIVRE PERSONELMAN BAY YON MOUN	NIMEWO KA
PLENTIF(S)	VS. KONT AKIZE(S)	LE
AKIZE:	ADRES:	

Enpotan

Yo entre yon aksyon kont oumeum. Ou genyen 20 jou kalandriye apres ou recevoi somasyon-an pou enregistre devan grefie tribunal-sa, yon reponce pa ecri attache avec plent-la. Yon apel pa telefon ka kapab protege-ou. Se yon repense pa ecri,fo ou mete numero ka-a ki sou tet pagela avec nom moune-yo ki sou papie-sa oblige ecri si ou vle ke tribunal-la tende position-ou cou ka-a. Si ou pa enregistre reponce-ou a l'heure ou capab pedu ka-a san tribunal la pa anounce-ou en yen, ou capab pedu l'agen ou ak byen ou. Genyen lot demande. Ou ka besoin telefone yon avoka tout de suit. Si ou pa lonen yon avoka, ou ka rele sevis ki rekomande avoka, ou biro ede legal (ki nan lis liv telefone).

Si ou shoisi voye yon reponce pa ecri oumenm, ou supose en mem tan poste en mem tan poste on pote on copi response pa ecri pou avoka pleyan ou pleyan-yo ke non-li ama-a et enregistre reponce-la nan tribunal-la ki localize nan avek Sekrete Tribinal. Adres santral biwo Sekrete a se Dade County Courthouse. Adres tribinal la, ak adres lot tribinal yo nan lis ki anba a pou ou ka jwenn yo alez:

ADRES TRIBINAL NAN DADE COUNTY

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Room 1200
10710 SW 211 Street
Miami, Florida 33189

Plainte/Avocat du Plainte Numero de barreau de la Floride:	Nimewo manm avoka a. Address:

ETA FLORIDA: Pou Chak nan eta a yo odone ou pou bay akize a (yo), non l ekri anwo a, manda sa a ak yon kopi yo pote nan pwose sa a.

HARVEY RUVIN Sekrete Jeneral Tribinal La	BAY:_____ SEKRETE	DATE:

LWA 1990 POU AMERIKEN KI ENFIM
ANONS POU AMERIKEN KI ENFIM

"Si ou se yon moun ki enfim e ou bezwen akomodasyon pou ou patisipe nan pwosedi sa a, ou gen dwa pou yo ba ou kèk èd san ou pa gen pou ou peye. Silvouplè kontakte Kowòdinatè ADA pou Tribinal Onzyèm Distrik Jidisyè a nan: Lawson E. Thomas Courthouse Center, 175 NW 1st Ave., Suite 2702, Miami, Fl 33128, Telefòn (305) 349-7175; TDD (305) 349-7174, Fax (305) 349-7355 omwen 7 jou anvan ou gen randevou pou ou parèt nan tribunal la, oubyen imedyatman lè ou resevwa notifikasyon sa a si ou gen mwens ke 7 jou pou ou parèt nan tribunal la; si ou gen difikilte pou ou tande oubyen pale, rele 711."

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IN THE ELEVENTH JUDICIAL CIRCUIT OF FLORIDA
IN AND FOR DADE COUNTY, FLORIDA
CIVIL DIVISION

JEAN-LUC BRUNEL, individually,
and MC2 MODEL &
TALENT MIAMI, LLC

Civil Action No.: 14-21348 CA 01

Plaintiffs,

vs.

JEFFREY EPSTEIN,
TYLER MCDONALD, TYLER
MCDONALD D/B/A/ YI.ORG

Defendants.
_____/

AMENDED VERIFIED COMPLAINT FOR LEGAL & EQUITABLE RELIEF AND DAMAGES

COME NOW the Plaintiffs, Jean-Luc Brunel and MC2 Model & Talent Miami, LLC, by and through undersigned counsel, and sues Defendants Jeffrey Epstein, Tyler McDonald, and Tyler McDonald d/b/a/ Yi.Org for legal relief, equitable relief and defamation, and states as follows:

1. Venue is proper in Dade County, Florida as Defendants Tyler McDonald and Tyler McDonald d/b/a Yi.Org do business in Dade County, Plaintiff Jean-Luc Brunel resides in Dade County, Florida, and Plaintiff MC2 Model & Talent Miami, LLC, has an office in Dade County. The causes of action and damages against Defendant Jeffrey Epstein accrued in Dade County, Florida, due to specific acts by Epstein there, and accordingly, venue is appropriate there. Florida Statute 47.011.

2. Florida Statute 48.193(1)(a)(1) ("long-arm") authorizes service on both out-of-state Defendants (Tyler McDonald, and Tyler McDonald d/b/a/ Yi.Org).

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3. Jurisdiction is proper in the Circuit Court as this action seeks relief in excess of fifteen-thousand dollars ($15,000).

FACTUAL ALLEGATIONS AS TO DEFENDANT JEFFREY EPSTEIN

4. Plaintiff Jean-Luc Brunel is the owner of Plaintiff modeling agency known as "MC2 Model & Talent Miami" ("MC2"). MC2 began operations in October 2005 and has offices in New York, Miami, and Tel Aviv.

5. Defendant Jeffrey Epstein ("Epstein") is a hedge-fund manager with a residence in Palm Beach County, Florida. Defendant has been the subject of significant media coverage due to charges brought against him involving sexual contact with minors. (Composite Exhibit A attached).

6. Plaintiff Brunel and Epstein have known one another since the inception of Plaintiff MC2.

7. Plaintiff Brunel operated his modeling agency, Plaintiff MC2, without incident until Epstein was first charged in Palm Beach County with unlawful sexual contact with a minor in 2006. He was convicted of soliciting prostitution from a minor and sentenced to eighteen months in prison, of which he served thirteen months. He remains a registered sex offender in Florida as of this day.

8. **First**, after the initial criminal charges against Epstein were filed in Palm Beach County, Plaintiffs were widely implicated in the media as being "linked" to Epstein. These false stories caused both Plaintiffs a tremendous loss of business.

9. Plaintiffs lost multiple contacts and business in the modeling business as a direct result of Epstein's illegal actions. For example, several photographers will not work with MC2 due to the

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adverse publicity surrounding Epstein and his illegal activities, and the publicity falsely linking Plaintiffs with those activities; namely, sex trafficking. (Composite Exhibit A).

10. One example of such a photographer was Michael Avedon, who worked with MC2 on photo shoots. Avedon stopped answering Plaintiffs' emails and phone calls after having known Plaintiff for some time. Upon meeting Avedon out one night, Avedon stated to Plaintiff Brunel he had "found out some information" from some friends of his and that he could not associate his name with MC2.

11. This statement by Avedon was no doubt a reference to the alleged and false links between Plaintiffs and Epstein's illegal activities with under-aged girls. This incident clearly illustrates an example of lost business on Plaintiffs' behalf.

12. The second example of a business relationship that was terminated due to Epstein's intentional and illegal activities was a very recent one, involving an overseas agency, Modilinos Model Agency. The owner stated that the model to be placed with MC2 "found some article in internet, which changed her position and she preferred to be placed with another agency." This was relayed to Plaintiff Brunel by e-mail dated October 15, 2014. This amply demonstrates that Epstein's intentional & illegal activities continue to cost Plaintiffs' business income. (Exhibit B attached).

13. A third example of a lost business relationship can be found in an e-mail dated October 17, 2014 (Exhibit C attached). The director of the 1 Mother Agency, Vladmir Yudashkin, states that a specific model will not sign with Plaintiff MC2 due to her fear that Plaintiffs' will force her into illegal activities. The model bases her fears upon the stories on the internet falsely implicating Plaintiffs as being involved with illegal activities with young models. This is

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another example of a false link between Epstein and Plaintiffs, costing Plaintiffs' business income.

14. A fourth example of a lost business relationship can be found in a second e-mail dated October 17, 2014 (Exhibit D attached). Manuela Martinez of Mega Partners, a Brazilian modeling agency, states to Plaintiff Brunel that her agency has been unable to work with Plaintiff MC2 for the past five to six years because of the sex trafficking allegations against Plaintiffs . This reference is clearly to the false allegations online regarding sex trafficking that were based in the false link between Epstein and Plaintiffs.

15. A fifth example of a lost business relationship can be found in an e-mail dated on Plaintiff's behalf was an e-mail dated August 27, 2010 from Michelle Stockman of Agence France Presse. (Exhibit E attached). Agence France Presse is a newswire service with a world-wide reach. Stockman wanted to meet with Plaintiff Brunel to arrange a model shoot with MC2. However, due to the adverse publicity surrounding Plaintiffs as a result of Epstein's illegal activities, Plaintiff Brunel was forced to forego (and lose) this business opportunity because he needed to keep a low-profile at this time.

16. A sixth example of lost business due to Epstein's intentional and illegal activities can be found in an e-mail dated December 12, 2014. (Exhibit F attached). Michael Sanka, a talent scout who had worked with Plaintiffs for a number of years, informed Plaintiff Brunel that he cannot sign any new models for Plaintiff Brunel's MC2 agency due to the false sex trafficking allegations online. Sanka goes on to state that Plaintiff Brunel's MC2 agency will not attract any new models if Plaintiff Brunel does not clear up the false allegations.

17. A seventh example of lost business due to Epstein's intentional and illegal activities can be found in an e-mail from Fox Fashion Agency (Exhibit G attached). This e-mail clearly states

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that Fox has placed models with Plaintiff MC2 in the past with absolutely no problems. However, because of the false internet trafficking links between Plaintiffs and Epstein, Fox states that it cannot place anymore models with Plaintiff MC2 until the allegations are cleared up.

18. Before the false links between Plaintiff and Epstein surfaced, Plaintiff Brunel was earning a great deal of revenue from MC2 Miami.

19. The false links between Plaintiffs and Epstein began to surface online in about 2005-2006. Then, in 2006, Plaintiffs received a letter of credit from Epstein at 5% interest. Plaintiffs then made an investment totaling one-million dollars with Elite Paris, to start a company.

20. Next, Plaintiff Brunel started the company, "E Management", to work with Elite Models in Paris, Plaintiff had to close it almost immediately, because Elite didn't send any models to Plaintiff MC2 for fear of being linked to Epstein.

21. Because the false links between Plaintiffs and Epstein began to gain strength online, Elite Paris severed the agreement due entirely to these false links. Plaintiff Brunel lost his investment of one-million dollars because of this loss of business.

22. Plaintiffs lost potentially ten-million dollars in profits due to this initial one-million dollar loss.

23. Additionally, a former financial controller of MC2, Maritza Vasquez, stated in a 2012 deposition that Plaintiff Brunel had never done anything inappropriate or illegal with any under-age model. (Exhibits H1 & H2 -Transcript of Deposition of Maritza Vasquez).

24. Maritza Vasquez was fired from her job at Plaintiff MC2 for embezzling company funds, and had criminal charges filed against her (Composite Exhibit I attached). She was also the source of the false information linking Plaintiffs to sex trafficking in the articles written by Conchita Sarnoff of the website Jezebel (Composite Exhibit A, p.2-7).

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25. The deposition testimony of Maritza Vasquez referred to above clearly demonstrates that Plaintiff Brunel has clean hands and was never involved in sex trafficking. All of Plaintiffs' damages came solely from Epstein's conduct.

26. Additionally, Plaintiff Brunel has had significant delays in obtaining his visa to come to the U.S. These delays were also the result of the false link between Plaintiffs and Epstein. As a result of these delays, Plaintiffs lost a considerable amount of time & money. International travel is a significant component of Plaintiff Brunel's MC2 modeling business. Plaintiff Brunel has been forced to cancel his latest visa application as a result of the delays. (Exhibit J – Composite – Visa Docs).

27. As a result of the notoriety and tremendous publicity surrounding Epstein's criminal charges, and the media linkage of Epstein to Plaintiffs regarding illegal activities, Plaintiffs lost a tremendous amount of business and revenue.

28. Plaintiff Brunel's agency MC2 has lost millions of dollars in revenue since the media revealed that Plaintiffs and Epstein were associated. In fact, Plaintiff MC2 was worth millions of dollars; now, due to the illegal actions of Epstein, MC2 is almost worthless.

29. At no time did Epstein ever publicly state that Plaintiffs had no role whatsoever in the Epstein's illegal activities.

30. As a result of Epstein's illegal activities and his association with Plaintiffs, Plaintiffs continue to lose money and suffer damages to this day. (Exhibit K attached, Jeff Fuller email, 11-12-14).

31. Plaintiff Brunel will need to spend millions of dollars in order to restore his business to what it was once worth – money that the Plaintiff Brunel does not have.

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32. Plaintiff Brunel continues to own and operate Plaintiff MC2 to this day, their names never having been cleared from the massive and totally negative media coverage involving Epstein and his illegal activities. Plaintiffs have been, and continue to be, irreparably harmed by these false internet-based links to Epstein. (Exhibits R & S attached).

33. **Second**, Plaintiff Brunel was also told by Epstein to leave the Palm Beach area in anticipation of a deposition of Plaintiff Brunel in a criminal case against Epstein. On the direct advice of Epstein, Plaintiff Brunel went to Europe and Asia for a period of time. This was done for the sole purpose of delaying Plaintiff Brunel's deposition.

34. As a direct result of Plaintiff Brunel's travels, his deposition was delayed twice. When it was finally scheduled for November 2009, Plaintiff Brunel was in fact available (Exhibit L attached). However, a medical emergency in the family of his attorney further delayed this deposition (Exhibit M attached). It was never rescheduled and he was never deposed.

35. This was a blatant example of obstruction of justice in the criminal case. Epstein was solely responsible for telling Plaintiff Brunel to leave the area. Plaintiff Brunel lost a huge opportunity to clear his name, and that of his agency, Plaintiff MC2.

36. **Third**, as a result of all of the facts stated above, Plaintiff Brunel was under tremendous psychological pressure throughout this period of time.

37. This psychological pressure resulted in Plaintiff Brunel avoiding business contacts as set forth above. This pressure also directly caused Plaintiff Brunel to avoid certain social contacts during this period of time.

38. Plaintiff Brunel became extremely withdrawn and anxious at this time.

39. Epstein's conduct was the direct cause of Plaintiff Brunel's psychological state. The press was reporting extensively on the lurid details of Epstein's illegal activities with the under-aged girls.

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40. As stated above, the press reports were erroneously connecting both Plaintiffs to Epstein's illegal activities. (Composite Exhibit A attached).

41. Epstein's illegal activities were outrageous and extreme; they involved receiving massages from the under-aged girls while the girls were nude or nearly-nude; penetration of the girls with a finger or object; or full-intercourse.

42. These activities described above caused Plaintiff Brunel severe emotional distress. In fact, Plaintiff Brunel has recently undergone psychotherapy with a local psychologist, Dr. Royce N. Jalazo, as a result of Epstein's actions and the negative results on his business. (Exhibits N & O attached).

43. Plaintiff Brunel is emotionally destroyed as a result of Epstein's actions and the resultant effects on his business. He has been on medications to deal with the effects of this. (Composite Exhibit P – Medical History).

44. Plaintiffs have been damaged by the conduct of Defendant Epstein, and have accordingly retained undersigned counsel to represent him in this matter, and are obligated to pay counsel a reasonable fee for his services.

FACTUAL ALLEGATIONS AS TO DEFENDANTS TYLER MCDONALD & TYLER MCDONALD D/B/A YI.ORG

45. Defendant Tyler McDonald ("McDonald") is the owner/operator of Yi.Org and also does business as Yi.Org – Defendant Tyler McDonald d/b/a Yi.org ("McDonald d/b/a Yi.Org"). Defendant McDonald resides in the state of Washington. Yi.Org is a website hosting service based in Vancouver, British Columbia, Canada.

46. In about 2009, Yi.org, by and through the actions of its owner, McDonald, began hosting websites that contained hyperlinks that contained blatantly false and extremely disparaging information about Plaintiffs. (Exhibit Q attached - hyperlink screenshot).

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47. These links clearly and falsely associated Plaintiffs with illicit escort services in the state of Florida; information which Defendants McDonald and McDonald d/b/a Yi.Org knew, or should have known, was false.

48. These links have damaged Plaintiff Brunel's reputation as an owner of a well-established modeling agency with offices in New York and Miami, Plaintiff MC2.

49. These links have also damaged the reputation of both Plaintiffs.

50. The combined damage to the reputation to both Plaintiffs has resulted in a significant loss of revenue to Plaintiff MC2, and accordingly, to Plaintiff Brunel.

51. Plaintiff MC2's revenues have fallen to a mere fraction of what they were before the appearance of the links on Yi.Org.

52. Both Defendants McDonald d/b/a Yi.Org and McDonald assisted in the dissemination of the false and negative information that damaged Plaintiffs' reputation and directly caused damages to Plaintiffs.

53. Plaintiff Brunel continues to own and operate Plaintiff MC2 to this day, both names still harmed by the false and negative association with escort services in Florida.

54. Accordingly, Plaintiffs have been severely damaged by information on websites hosted by Yi.Org, which is maintained, owned and operated by Defendants McDonald d/b/a Yi.Org and McDonald.

55. The information disseminated by the websites hosted by Defendants McDonald d/b/a Yi.Org and McDonald was false and defamatory to the extreme regarding Plaintiffs alleged involvement with escort services in the state of Florida.

56. Defendants McDonald d/b/a Yi.Org and McDonald have made no attempt to clear the names of Plaintiffs with regard to the false and defamatory information disseminated by the

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websites they hosted.

57. Plaintiffs continue to do business to this day, their names never having been cleared from the negative information disseminated by Defendants McDonald d/b/a Yi.Org and McDonald.

58. Plaintiffs have been damaged by the conduct of Defendants McDonald d/b/a Yi.Org and McDonald, and have accordingly retained undersigned counsel to represent him in this matter, and are obligated to pay counsel a reasonable fee for his services.

COUNT I – EQUITABLE RELIEF FOR LOSS OF BUSINESS AND REVENUE - AS TO DEFENDANT JEFFREY EPSTEIN

59. The allegations contained in paragraphs 1 through 44 above are re-alleged and incorporated herein by reference.

60. Plaintiffs have lost a significant amount of business revenue because of the actions of Defendant Epstein set forth above.

61. Plaintiffs have no adequate legal remedy to make him whole as a result of the damages suffered in the form of lost business revenue due to the actions of Defendant Epstein.

62. Accordingly, Plaintiffs seeks to become whole by the payment of damages by Defendant Epstein to compensate him for his losses.

WHEREFORE, PLAINTIFFS request judgment against DEFENDANT as follows:

A. Damages in excess of fifteen-thousand dollars; trial by jury and

B. Grant other such relief as is appropriate.

COUNT II – OBSTRUCTION OF JUSTICE – EQUITY - AS TO DEFENDANT JEFFREY EPSTEIN

63. The allegations contained in paragraphs 1 through 44 above are re-alleged and incorporated herein by reference.

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64. Plaintiff was forced to commit illegal acts by traveling away from the sight of the deposition and during the time period of the deposition.

65. Defendant Epstein attempted to subvert justice and this attempt contributed to the destruction of Plaintiff's business, Plaintiff MC2. Plaintiff Brunel lost substantial time away from his business and incurred expenses in following Epstein's commands.

66. Plaintiffs were substantially damaged as a direct result of Epstein's actions.

WHEREFORE, PLAINTIFFS request judgment against DEFENDANT as follows:

A. Damages in excess of fifteen-thousand dollars; trial by jury and

B. Grant other such relief as is appropriate.

COUNT III – INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS UPON PLAINTIFF BRUNEL - AS TO DEFENDANT JEFFREY EPSTEIN

67. The allegations contained in paragraphs 1 through 44 above are re-alleged and incorporated herein by reference.

68. Defendant Epstein recklessly inflicted emotional distress upon Plaintiff Brunel by engaging in illegal conduct with under-aged girls, which was falsely linked to Plaintiffs.

69. This illegal conduct was extreme and outrageous by any standard.

70. This extreme and outrageous conduct was the direct cause of extreme emotional distress in Plaintiff Brunel.

WHEREFORE, PLAINTIFF BRUNEL requests judgment against DEFENDANT as follows:

A. Damages in excess of fifteen-thousand dollars; trial by jury and

B. Grant other such relief as is appropriate

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COUNT IV – EQUITABLE RELIEF FOR LOSS OF BUSINESS AND REVENUE - AS TO DEFENDANTS TYLER MCDONALD AND MCDONALD D/B/A YI.ORG

71. The allegations contained in paragraphs 1 through 3 & 45 through 58 above are re-alleged and incorporated herein by reference.

72. Plaintiff, through his agency MC2, has lost a significant amount of business revenue because of the actions of Defendants McDonald d/b/a Yi.Org and McDonald set forth above.

73. Plaintiffs have no adequate legal remedy to make him whole as a result of the damages suffered in the form of lost business revenue due to the actions of both Defendants.

74. Accordingly, Plaintiffs seek to become whole by the payment of damages by both Defendants to compensate him for his losses.

WHEREFORE, PLAINTIFFS request judgment against DEFENDANTS as follows:

A. Damages in excess of fifteen-thousand dollars; trial by jury and

B. Grant other such relief as is appropriate.

COUNT V – DEFAMATION AGAINST PLAINTIFFS – AS TO DEFENDANTS TYLER MCDONALD AND MCDONALD D/B/A YI.ORG

75. The allegations contained in paragraphs 1 through 3 & 45 through 58 above are re-alleged and incorporated herein by reference.

76. Defendants McDonald d/b/a Yi.Org and McDonald published or caused to be published, false statements about Plaintiffs using their domain hosting service.

77. Defendants McDonald d/b/a Yi.Org and McDonald knew, or should have known, that the statements about Plaintiffs were false.

78. These published statements were read by the internet users who viewed the false statements.

79. Plaintiffs' business reputations were severely damaged as a result.

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WHEREFORE, PLAINTIFFS request judgment against DEFENDANTS as follows:

A. Damages in excess of fifteen-thousand dollars; trial by jury and

B. Grant other such relief as is appropriate.

COUNT VI – EQUITABLE RELIEF FOR REPAIR OF BUSINESS REPUTATION - AS TO DEFENDANTS TYLER MCDONALD & TYLER MCDONALD D/B/A/ YI.ORG

80. The allegations contained in paragraphs 1 through 3 & 45 through 58 above are re-alleged and incorporated herein by reference.

81. Plaintiffs have also suffered a significant loss of their business reputations as a direct result of the actions of Defendants McDonald d/b/a Yi.Org and McDonald.

82. Plaintiffs have no adequate legal remedy to make them whole as a result of the damages suffered in the form of lost business reputations due to the actions of both Defendants.

83. Accordingly, Plaintiffs seeks to restore their business reputations by the payment of damages by both Defendants to compensate them for their loss of reputations.

WHEREFORE, PLAINTIFFS request judgment against DEFENDANTS as follows:

A. Damages in excess of fifteen-thousand dollars; trial by jury and

B. Grant other such relief as is appropriate.

/s/ Joe Titone

Joe Titone
Attorney
FL BAR #: 203882
621 S.E. 5th Street
Pompano Beach, Florida 33060
(954) 729-6490
(954) 941-2232 (FAX)
Joetitone708@comcast.net

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VERIFICATION

STATE OF FLORIDA)
)
COUNTY OF Miami Dade)

JEAN-LUC BRUNEL, being duly sworn according to law, upon his oath, deposes and says:

I have read the foregoing complaint and all the allegations contained therein. All such allegations are true based upon my personal knowledge, information and belief.

JEAN-LUC BRUNEL

Sworn and subscribed to before me this 1 day of August, 2014.

NOTARY PUBLIC

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COMPOSITE EXHIBIT A

HOUSE_OVERSIGHT_011926

http://www.thedailybeast.com/articles/2010/07/29/jeffrey-epstein-feds-probe-possible-child-trafficking-charge.html

Epstein Faces Sex-Traffic Probe

The Justice Department is investigating Jeffrey Epstein for child trafficking, The Daily Beast has learned—and has widened the scope of its probe to include a famous modeling agency.

Hedge-fund manager Jeffrey Epstein completed his sentence for soliciting prostitution with a minor last week. But it appears his problems may not be over. Now The Daily Beast has learned that:

• Federal investigators continue to investigate Epstein's activities, to see whether there is evidence of child trafficking—a far more serious charge than the two in his non-prosecution agreement, the arrangement between Epstein and the Department of Justice allowing him to plead guilty to lower-level state crimes. Trafficking can carry a 20-year sentence.

• The FBI is also investigating Epstein's friend Jean Luc Brunel, whose MC2 modeling agency appears to have been a source of girls from overseas who ended up on Epstein's private jets.

Because Epstein's predatory habits stretch back many years and involved dozens of young-looking girls, there may well be more evidence to uncover.

Under the concept of double jeopardy, Epstein can no longer be prosecuted for any of the charges covered by his non-prosecution agreement, in which he agreed to serve a short term of incarceration, fund the civil suits of named victims, and register as a sex offender. The victims who accepted cash settlements in these civil suits agreed not to testify against him or speak publicly about the case. However, new evidence developed by the Department of Justice on other offenses not covered by the agreement, including allegations by additional victims who come forward, could lead to new charges. There is no statute of limitations in the federal sex-trafficking law, which was also enacted by the state of Florida in 2002. Because his predatory habits stretch back many years and involved dozens of young-looking girls, there may well be more evidence to uncover. (Several young women who claim to be Epstein victims have recently contacted a Ft. Lauderdale lawyer, but to date no new civil complaints have been filed.)

• Conchita Sarnoff: The Billionaire Pedphile's Sex Den
• Billionaire Pedophile Goes Free

These new developments come one week after the publication of two articles in The Daily Beast about Epstein's pattern of sexual contact with underage girls, which Palm Beach police began investigating in 2005 and the U.S. Attorney's office then settled in a 2007 plea deal. The first

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article quoted a deposition by then-Palm Beach Chief of Police Michael Reiter, in which he stated that Epstein, a billionaire with many powerful friends, had received special treatment in both his plea deal and the terms of his incarceration. Although federal investigators at one point produced a draft 53-page indictment against Epstein, he was eventually allowed to plead guilty to only two relatively minor state charges and receive a short term of incarceration: 13 months in the county jail, during which he went to the office every day, and one year of community control, during which he traveled frequently to New York and his private island in the Virgin Islands.

The Daily Beast has now discovered another instance in which Epstein apparently received special consideration: As a convicted sex offender, he is required by law to undergo an impartial psychological evaluation prior to sentencing and to receive psychiatric treatment during and after incarceration. This is because child molesters tend to be repeat offenders with high rates of recidivism. According to a source in law enforcement, however, Epstein was allowed to submit a report by his private psychologist, Dr. Stephen Alexander of Palm Beach, Florida, whose phone has since been disconnected with no forwarding information.

The Daily Beast's second article provided details about Epstein's systematic abuse of underage girls at his Palm Beach mansion, where members of his staff allegedly recruited and paid a parade of teenagers, most of them 16 or younger, to perform daily massages that devolved into masturbation, groping, and sometimes full-blown sexual contact. It also revealed a monetary relationship between Epstein and Jean Luc Brunel, a frequent visitor to whom he gave $1 million around the same time that Brunel was starting his MC2 modeling agency. Some of the young girls MC2 recruited from overseas—often from Eastern Europe and South America—are known to have been passengers on Epstein's private jets.

The U.S. Attorney General's Office in Florida says that it is against policy to confirm or deny the existence of an investigation. Jeffrey Epstein's lawyer, Jack Goldberger, says he has no knowledge of an ongoing probe, and he told The Daily Beast, "Jeffrey Epstein has fully complied with all state and federal requirements that arise from the prior proceedings in Palm Beach. There are no pending civil lawsuits. There are not and should not be any pending criminal investigations, given Mr. Epstein's complete fulfillment of all the terms of his non-prosecution agreement with the federal government."

Conchita Sarnoff has developed multimedia communication programs for Fortune 500 companies and has produced three current-events debate TV programs, The Americas Forum, From Beirut to Kabul, *and a segment for* The Oppenheimer Report . *She is writing a book about child trafficking in America*

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http://www.thedailybeast.com/articles/2010/07/22/jeffrey-epstein-pedophile-billionaire-and-his-sex-den.html

The Billionaire Pedophile's Sex Den

Hedge fund mogul and sex offender Jeffrey Epstein, who went free this week, lived in a depraved world of thrice-daily massages, pornographic artwork, and hush money—that's only now being revealed. Conchita Sarnoff reports on the sordid details in part two of her exclusive exposé.

Hedge fund mogul and sex offender Jeffrey Epstein, who went free this week, lived in a depraved world of thrice-daily massages, pornographic artwork, and hush money—that's only now being revealed. Conchita Sarnoff reports on the sordid details in part two of her exclusive exposé. Also:

• Nude images of young girls were scattered around the house and the bathroom soap was shaped like sex organs

• Staff trolled for fresh recruits to make sure Epstein had two or three massage appointments each day

• The house manager has been sentenced to a longer prison term than Epstein—for trying to sell notes regarding massage appointments

• Epstein gave $1 million to his friend Jean Luc Brunel when he was starting the modeling agency MC2

• According to a former bookkeeper, young girls were brought to the U.S. by MC2—often from Eastern Europe—then traveled on Epstein's private jets

Jeffrey Epstein's loyal friends say that his prosecution was unduly harsh, rather than outrageously lenient. They insist that his sexual habits, although obsessive and unusual, were mostly legal and essentially harmless. As the police records attest, the girls brought to El Brillo Way were routinely told they could "say no" at any time during a massage as Epstein escalated contact in a step-by-step assault that was remarkably similar in every victim's statement: First she would be asked to remove her shirt, then her pants. He would attempt to fondle her buttocks and breasts as he masturbated, then bring out a large vibrator. There was sometimes digital penetration, and the more willing girls were lured into full-blown sexual relations with both Epstein and Nadia Marcinkova, who was referred to in press accounts and police reports as Epstein's live-in "sex slave."

A former bookkeeper in the Miami office, who also arranged visas for girls traveling to the U.S., confirmed that MC2 girls became frequent guests on Epstein's private jets.

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It's true that some underage girls may have lied about their age, and some came to the house voluntarily several times—although, according to Florida statutes, none of that has any bearing on the criminality of the contact, particularly if the girl was 16 or younger. But what is particularly disturbing about this case—judging by arrangements at the Palm Beach house—is that Epstein, a billionaire hedge-fund manager, organized his life around this sexual compulsion in an open and methodical way that suggests he felt he was beyond the law.

• Conchita Sarnoff: Epstein Faces Sex Traffic Probe
• Billionaire Pedophile Goes Free

According to police who executed a search warrant, the house was decorated with large, framed photos of nude young girls, and similar images were found stashed in an armoire and on the computers seized at the house (although police found only bare cables where other computers had been). Some bathrooms were stocked with soap in the shape of sex organs, and various sex toys, such as a "twin torpedo" vibrator and creams and lubricants available at erotic specialty shops, were stowed near the massage tables set up in several rooms upstairs.

Epstein also enlisted his staff in the predatory activity, and four—Sarah Kellen, Adriana Ross, Lesley Groff, and Marcinkova—figured in the FBI investigation. The Non Prosecution Agreement stipulated that they would not be charged. According to police reports and sworn statements in the civil suits, all four women, among their other duties, worked to ensure that an appointment book for twice- or thrice-daily "massages" was stocked with fresh recruits. Ghislaine Maxwell, daughter of the late Czechoslovakian-born press baron Robert Maxwell, who was for many years Epstein's live-in partner, also recruited young girls.

Since his 13-month sentence for soliciting prostitution with a minor, Epstein has settled more than a dozen lawsuits brought by underage girls. Seven victims reached a last-minute deal last week, days before a scheduled trial; each received well over $1 million—an amount that will hardly dent Epstein's $2 billion net worth.

The victims told police they waited in the kitchen to be called upstairs for a massage, and the house chef often gave them a bite to eat. House manager Alfredo Rodriguez said in his sworn statement that a maid named Lupita, who was a devout Catholic, wept when she complained to him about cleaning up after the massage sessions, picking up soiled towels and putting away the sex toys. And she was upset that a photo of Epstein with the pope hung next to one of him with a young girl.

Ironically, Rodriguez, who ran the house on El Brillo Way in 2004 and 2005, ended up being sentenced to more jail time than his boss as a result of the complex investigation into Epstein's activities. He was fired, he says, for inadvertently drawing police attention to one of the girls when she arrived at the house unannounced to collect money. He saw an unfamiliar "beater" in the driveway one evening and called 911. When he left Epstein's employ, Rodriguez took away some notes and emails about massage appointments as "protection" against his own prosecution, and failed to produce them during the Palm Beach Police Department's initial investigation.

Unable to get work as a house manager elsewhere in South Florida, he says, Rodriguez later tried to sell this "golden nugget"—his term—for $50,000, to be used in the victims' civil suits.

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Unfortunately, he made the offer to an undercover cop, and was subsequently charged with "obstruction of official proceedings" for withholding information that could have advanced the criminal investigation of Epstein—which by that point had been settled in a plea deal. Rodriguez was sentenced to 18 months in federal prison (Epstein was allowed to serve 13 months in the Palm Beach county jail), and now awaits an additional sentence on Aug. 24 in federal court in Miami for transporting firearms, another deal he says he made to pay the bills after he lost his job.

In a deposition given for the civil suits, Rodriguez testified that he was instructed to always have $2,000 in cash on hand, so that he could pay both the girls who gave massages and recruiters such as Haley Robson who brought them to the house. He also testified that Epstein made large contributions to the Palm Beach Police Department, and in return was given PBPD baseball hats to put on the dashboard of his various cars to avoid being stopped or ticketed by local police. Retired Police Chief Michael Reiter, in his own deposition, acknowledged that, in addition to earlier donations to the police department (which are fairly common in well-heeled Palm Beach), Epstein had recently given the department $100,000 for some sophisticated equipment. The police were still researching the purchase when Epstein came under suspicion, and Reiter ordered the money returned. (Guy Frostin, one of Epstein's local attorneys, told police that Epstein also gave $100,000 to the Florida Ballet for massages, because he was "very passionate" about massages being "therapeutically and spiritually" beneficial. Yet victims told police they had no massage training.)

Perhaps most disturbing, in terms of possible sex trafficking, was Epstein's relationship with Jean Luc Brunel, owner of the MC2 modeling agency. According to a complaint filed in the U.S. District Court for the Southern District of Florida, an alleged victim said that Epstein, Maxwell, Brunel, Rodriguez, and Marcinkova "deliberately engaged in a pattern of racketeering that involved luring minor children through MC2, mostly girls under the age of 17, to engage in sexual play for money." (Which would amount to trafficking.)

Brunel is a 50-plus French playboy who was formerly part owner of Karin, a Paris-based modeling agency. He lives in New York and South Beach, Florida, and owns 85 percent of MC2, which has offices in New York, Miami, and Tel Aviv. (The remaining 15 percent is owned by his partner, Jeff Fuller.) Brunel has been observed as a house guest at Epstein's Palm Beach home and may well have had contact with him also in New York, where Epstein owns a lavish home, and in Paris, where Epstein keeps an apartment on elegant Ave. Foch.

CBS reporter Craig Pyes, who investigated Brunel for a *60 Minutes* broadcast many years ago, is quoted in Michael Gross' book about the modeling industry, *Model: The Ugly Business of Beautiful Women*. Pyes told the author that Brunel "ranks among the sleaziest people in the fashion industry. We're talking about a conveyor belt, not a casting couch. Hundreds of girls were not only harassed but molested." Now The Daily Beast has learned that Epstein had made a $1 million wire transfer to Brunel's offshore bank account in September 2004, just as he was setting up MC2. Whether this was a gift or a loan or a backdoor investment in the new venture is unknown. A French citizen who managed to avoid giving evidence in the Epstein investigation, Brunel declined to comment on any of this, as does Fuller. Asked in April of Brunel's activities,

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Epstein said "I'm 100 percent convinced that he doesn't traffic children." (Brunel has never been charged.)

An American fashion designer who booked her girls through MC2 says they were very young and very beautiful; many were from Eastern Europe and spoke little English. A former bookkeeper in the agency's Miami office, who also arranged visas for girls traveling to the U.S., confirmed that MC2 girls became frequent guests on Epstein's private jets.

Pilot logs obtained in the civil suits show that some of the named plaintiffs were on the flight manifests. Other times, the pilot would just list the other passengers plus "female."

Editor's Note: *An earlier version of this article misidentified the subject of Craig Pyes' investigation and the title of Michael Gross' book. The Daily Beast has corrected the subject and title and regrets the error.*

Read Conchita Sarnoff's original report on Epstein.

Conchita Sarnoff has developed multimedia communication programs for Fortune 500 companies and has produced three current events debate television programs, The Americas Forum, From Beirut to Kabul, and a segment for The Oppenheimer Report. She is a contributor to The Huffington Post. She is writing a book about child trafficking in America.

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http://fashioncopious.typepad.com/fashioncopious/2010/08/mc2-modeling-agency-involved-in-sex-trafficking.html

MC2 Modeling Agency Involved In Sex Trafficking

August 11,2010

On August 4th Jezebel ran the following story: The Sex-Trafficking Model Scout.

Perhaps most disturbing, in terms of possible sex trafficking, was Epstein's relationship with Jean Luc Brunel, owner of the MC2 modeling agency. According to a complaint filed in the U.S. District Court for the Southern District of Florida, an alleged victim said that Epstein, [assistant and girlfriend Ghislaine] Maxwell, Brunel, [house manager Alfredo] Rodriguez, and Marcinkova 'deliberately engaged in a pattern of racketeering that involved luring minor children through MC2, mostly girls under the age of 17, to engage in sexual play for money.

The previous paragraph in the story read:

and making [speaking of Jeffrey Epstein] frequent $100,000 donations to the Palm Beach Police Department would insulate him from prosecution for his various depravities.

Which included, for the record: buying a 14-year-old Yugloslavian named Natalia Marcinkova from her parents in order to keep Marcinkova as his "sex slave"; paying a retinue of women to trawl Palm Beach for teenagers economically desperate enough to agree to give Epstein "massages" that often led to sexual contact; receiving two 12-year-old French girls as a "birthday present"; and befriending Michael Wolff.

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http://bettyfokker.wordpress.com/2010/08/20/hes-helping-others-get-away-with-child-sex-trafficking/

He's helping others get away with child-sex trafficking

Posted on August 20, 2010 by Betty Fokker

Let's discuss that billionaire douche-face child-rapist, Jeffrey Epstein for a moment shall we? He's someone who likes to have sex with venerable underage girls, including 12 year old girls who are trafficked into the US under the guise that they will become models. His partner in crime was Jean Luc Brunel, owner and 'talent scout' of the MC2 "modeling agency". Epstein coincidently invested a million bucks in the MC2 ~~kiddie-porn ring~~ modeling agency and let Brunel use his privet jet.

The FBI thinks Epstein has assaulted/molested about 40 or so young girls. So he's going to prison for the rest of his life right? Wrong.

When faced with the best defense lawyers money could buy, the prosecutors wimped out and made a plea bargain so light it boggles the mind. This kid-raping bastard only had to please guilty to two MINOR charges and gets a private cell, a cell he gets to leave on a "work release program" by the way.

Now, I am not blaming his defense attorneys. They were doing their job and, under our constitution, a festering anus like Epstein has the right to the best attorneys he can afford.

I am livid with the prosecuting attorneys. It was their job to do everything in their power to bring this vomit-inducing shit-sack to justice. Instead, they decided to gutlessly pander to his wealth, privilege, and powerful defense team. They rolled over and did everything but send in another kid to give this fucker a hand-job. So this vermin got away with raping 12 year old girls because the prosecuting attorneys couldn't find a single testicle/ovary to share among them.

And do you know what their chicken-shit kowtowing to Epstein has wrought? It's opened the door for other child-sex traffickers to get lighter sentences for their crimes too. Why should they have to pay when he didn't? After all, it was just girls they were trafficking for sex with disgusting older males (I refuse to call something like Epstein a "man"; it insults men) … they weren't harming anything of any value in our culture!

I'm a feminist because I think girls & women have value. What a crying, fucking shame there wasn't one feminist in the prosecutors office to go after this monster and punish him. What a pity other hell-spawn might get away with trafficking girls for sex more easily because of the shit-for-brains attorneys who let Epstein get away with his crimes.

My eyeballs are melting with rage.

Never mind. They aren't melting. It's just tears of helpless and despairing rage against an unjust legal system and the cultural devaluation of women and girls.

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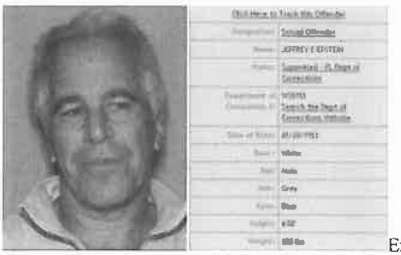
http://gawker.com/5600294/recently-freed-sex-offender-jeffrey-epstein-may-face-child-trafficking-charges

Recently-Freed Sex Offender Jeffrey Epstein May Face Child Trafficking Charges



Expand

Ads by Google

Jeffrey Epstein, the billionaire Bill Clinton pal who just left jail after completing a sentence for soliciting sex with a minor, may be headed back soon: The Daily Beast reports that the Justice Department is investigating him for child trafficking.

Epstein, famous for being rich, being friends with Bill Clinton, having an egg-shaped penis, and being a vindictive pervert, can't be prosecuted again for the charges he copped to in his plea deal. But according to The Daily Beast's Conchita Sarnoff, new charges might be coming:

As we learned in Vanity Fair yesterday, Bill Clinton has spent his post-presidential life...Read more

Federal investigators continue to investigate Epstein's activities, to see whether there is evidence of child trafficking-a far more serious charge than the two in his non-prosecution agreement, the arrangement between Epstein and the Department of Justice allowing him to plead guilty to lower-level state crimes. Trafficking can carry a 20-year sentence.

Since there's no statute of limitations for sex-trafficking, and Epstein's predatory adventures apparently date back more than a few years, it's likely there's more women who could come forward. (Apparently some have contacted a lawyer, but nothing's been filed yet.)

It's not just Epstein, either—his buddy Jean Luc Brunel, head of the MC2 modeling agency, is also being investigated, and some of the models he represented (many from overseas) may have been enlisted as companions on Epstein's private jet.

http://www.huffingtonpost.com/2014/06/03/jeffrey-epstein_n_5439407.html

MIAMI (AP) — Nearly a decade ago, a wealthy financial guru came under FBI investigation, suspected of sexually abusing dozens of underage girls at his Palm Beach mansion. Then, abruptly, the investigation was dropped and Jeffrey Epstein pleaded guilty to a single state charge of soliciting prostitution. He served just over a year in jail.

Now, two women who say they were among his victims have won a precedent-setting appeals court ruling entitling them to see all the documents from the plea bargain discussions between Epstein's high-powered lawyers and federal prosecutors.

Their goal: use those files to undo the agreement, reopen the investigation and subject Epstein to more charges.

The women's lawyers contend Epstein got special treatment because of his wealth and connections. His attorneys deny that.

Epstein, 61, made hundreds of millions of dollars managing funds for rich clients. Shortly after his 2008 guilty plea, it came to light that his lawyers had secretly reached a non-prosecution agreement months earlier with the U.S. Justice Department that spared him a potentially heavier punishment.

"Our complaint alleges that, prodded by Epstein, the federal prosecutors deliberately concealed the sweetheart plea deal they made with him to avoid public criticism," said Paul Cassell, a University of Utah law professor who is representing the two women.

The U.S. attorney's office in Miami would not comment. But the U.S. attorney at the time, R. Alexander Acosta, said in a 2011 letter defending his office that more evidence came to light after Epstein made his deal.

"Many victims have spoken out, filing detailed statements in civil cases seeking damages. Physical evidence has been discovered," Acosta wrote. "Had these additional statements and evidence been known, the outcome may have been different."

Epstein has settled lawsuits for undisclosed amounts with many of the women who say they were underage when they were paid for sex.

The case represents the first time a federal appeals court has ruled that the Crime Victims' Rights Act of 2004 guarantees victims the right to be informed about the details of how a plea bargain was reached, according to legal experts and lawyers involved in the case. The law marked the culmination of efforts begun in the 1960s to give crime victims more of a say.

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"I hope that the case will ultimately set an important precedent that federal prosecutors can't keep victims in the dark about the plea deals that they reach," Cassell said.

Epstein served 13 months of an 18-month sentence on the prostitution charge, sold his Palm Beach home in 2011 and now divides his time between a New York City home, a Caribbean island and an apartment in Paris, according to court documents. He also has a large New Mexico ranch.

He donates huge sums each year, particularly toward projects involving new medical treatments and artificial intelligence. His foundation established a Harvard University program that uses mathematics to study evolutionary biology, viruses and disease.

According to lawsuits filed by some of his accusers, Epstein relied on assistants to recruit underage girls to give him massages and perform sex acts. They were usually paid about $200.

Some girls were notified about the investigation beginning in 2006. But they weren't told about the negotiations with federal prosecutors for at least nine months, despite a requirement in the Crime Victims' Rights Act that they be kept informed. The two women — who were 13 and 14 when the alleged assaults occurred — sued for the files and won.

"Although plea negotiations are vital to the functioning of the criminal justice system, a prosecutor and target of a criminal prosecution do not enjoy a relationship of confidence and trust when they negotiate," the appeals court said.

Federal prosecutors have begun turning over the documents.

Epstein's attorney, Roy Black, the celebrity lawyer who is also representing Justin Bieber in his DUI and resisting-arrest case in Miami Beach, declined to comment but has asked that the documents be kept from public view, and so far they have been.

In a May 23 court filing, Black said that there was no conspiracy between prosecutors and Epstein's team to violate the victims' rights law and that the non-prosecution agreement contained many provisions Epstein strongly opposed, such as registering as a sex offender and agreeing not to contest certain lawsuits.

"This was no sweetheart deal by any stretch of the imagination," Black said in court papers.

Even if a judge invalidates the plea deal, it will still be up to federal prosecutors to decide what to do.

"The court can't force the prosecutors to bring charges," said Matt Alexrod, a former federal prosecutor now in private practice in Washington.

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http://www.huffingtonpost.com/conchita-s-sarnoff/child-trafficking_b_1269748.html

Conchita Sarnoff

Communications expert

Regulating Modeling Agencies to Help Prevent Child Sex Trafficking

Posted: 02/10/2012 8:49 pm

In 2010, Jezebel, an online site, published "The Sex Trafficking Model Scout" warning about the dangers of deregulated modeling agencies in the U.S.

Given the growing number of modeling agencies that transport underage teenagers from foreign countries into the United States and the growing sex trade of underage girls in the U.S. why does this industry remain deregulated?

Since the advent of this business, modeling agencies have had free reign to scout teenagers from every state in the country as well as every nation in the world. Many of these teenage girls come from economically disadvantaged families and are offered none to very limited protection while traveling and working as "models."

Jezebel reported that Jean Luc Brunel, one of the cast of characters involved in the ongoing Jeffrey Epstein (a level 3 registered sex offender), eight-year-long case, has been working for over two decades with a succession of agencies in New York and Paris. According to media reports, Diane Sawyer produced a segment for CBS's *60 Minutes* featuring a sex scandal that eventually led Eileen Ford (founder of renowned Ford modeling agency) to stop working with Brunel.

Brunel's latest venture is the modeling agency MC2 based in South Beach, Fla. with satellite offices in New York and Tel Aviv. Since his agency is deregulated and "no criminal charges have been filed by any of his accusers" -- although many have tried to serve him including lawyers representing Epstein's victims, Brunel continues to hide behind his French citizenship to prevent depositions. "Trawling for 5'11" underage teenagers to work for his agency, MC2, or anyone else who requests, Brunel is free to scout for very young girls without limitations." Given his citizenship he also successfully avoided deposition in Epstein's sex related cases.

Like so many other reporters who have tried to report his side of the story when Jezebel contacted Brunel, "he did not respond to our interview request." According to Jezebel:

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we spoke to a number of people who worked with his agency and while MC2 isn't considered a major industry player, it isn't exactly bottom-shelf, either... Brunel isn't involved with the business on a day-to-day basis, although he owns an 85 percent stake in MC2. Instead, he does scouting for the agency and takes care of the international relations with other agencies, reports one source. Scouts scour the world for unrepresented teenage girls who could make it as models. They work largely unsupervised and are generally paid a headhunting fee for every girl an agency signs. Even when affiliated with an agency, as Brunel obviously is with MC2, scouts operate mostly independently and with little oversight. The company blog refers to Brunel as a 'scouting tsunami' and MC2 is fairly well known for the strength of its international scouting.

Model, Michael Gross's 1995 book, describes Brunel's activities in Paris from the late 1970s onwards, when he worked for, and eventually owned, the modeling agency Karin. "Jean-Luc is considered a danger," says Jérôme Bonnouvrier. "Owning Karin was a dream for a playboy. His problem is that he knows exactly what girls in trouble are looking for. He's always been on the edge of the system."

John Casablancas, founder of Elite modeling agency said:

I really despise Jean-Luc as a human being for the way he's cheapened the business. There is no justice. This is a guy who should be behind bars. There was a little group, Jean-Luc, Patrick Gilles, and Varsano. They were very well known in Paris for roaming the clubs. They would invite girls and put drugs in their drinks. Everybody knew they were creeps." Casablancas was a professional rival who was pushed out of his agency for questionable concerns.

Katie Ford human trafficking abolitionist and Eileen Ford's daughter, talked to the *Wall Street Journal* magazine. In that story "A Model Trade Union," Ford describes herself as a "roving ambassador" to help stop human trafficking. Ford sold her stake in the family business in 2007 to the private equity firm Stone Tower Equity. "In her new life as a nearly full-time, unpaid, roving ambassador for the cause her job is an outgrowth of her former work, rather than a repudiation of it, or an atonement.

Her interest in human trafficking began when a representative of the United Nations called to ask if she would participate in a women's leadership group that was studying the issue of trafficking. "I said, 'I can't come talk about it, because I don't know anything about it!'" Ford recalls. "But I went, and after two hours, I knew why I was there. The way people traffic across borders is parallel to the way we recruit models. According to Ford "the target age is 14 to 24, and so it's similar to modeling." I knew how to reach that market" she said, "It was the feeling of: There but for the grace of God... The girls who came to us could have been those girls."

http://jezebel.com/5603638/meet-the-modeling-agent-who-trafficked-underage-girls-for-sex

The Sex-Trafficking Model Scout

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Expand

Jeffrey Epstein, the billionaire financier who the FBI believes molested around 40 underaged girls, was assisted by a prominent modeling agent and scout. Here's what we know about Jean Luc Brunel.

Jeffrey Epstein, you will no doubt recall, is the man who thought ferrying Bill Clinton on his private jet, lawyering up with superstar Alan Dershowitz, and making frequent $100,000 donations to the Palm Beach Police Department would insulate him from prosecution for his various depravities.

Say you're not as famous or celebrated as Roman Polanski and you want to sexually assault...Read more

Which included, for the record: buying a 14-year-old Yugloslavian named Natalia Marcinkova from her parents in order to keep Marcinkova as his "sex slave"; paying a retinue of women to trawl Palm Beach for teenagers economically desperate enough to agree to give Epstein "massages" that often led to sexual contact; receiving two 12-year-old French girls as a "birthday present"; and befriending Michael Wolff.

But as Conchita Sarnoff wrote at The Daily Beast:

Perhaps most disturbing, in terms of possible sex trafficking, was Epstein's relationship with Jean Luc Brunel, owner of the MC2 modeling agency. According to a complaint filed in the U.S. District Court for the Southern District of Florida, an alleged victim said that Epstein, [assistant and girlfriend Ghislaine] Maxwell, Brunel, [house manager Alfredo] Rodriguez, and Marcinkova 'deliberately engaged in a pattern of racketeering that involved luring minor children through MC2, mostly girls under the age of 17, to engage in sexual play for money.'

The FBI investigated Epstein, and identified around 40 underaged victims. Sarnoff reports that the FBI is also investigating MC2 and Brunel for possibly engaging in child sex trafficking. Since pleading guilty to reduced charges of soliciting sex with a minor and serving 13 months of

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part-time jail, Epstein has become the focus of numerous civil lawsuits from his victims. He has so far settled a dozen.

These same civil complaints allege that young girls from South America, Europe, and the former Soviet republics, few of whom spoke English, were recruited for Esptein's sexual pleasure. According to a former bookkeeper, a number of the girls worked for MC2, the modeling agency owned by Jean Luc Brunel, a longtime acquaintance and frequent guest of Epstein's.

Brunel, along with numerous young models, was a frequent passenger on Epstein's private jet, according to flight manifests. The agency owner also allegedly received $1 million from Epstein in 2005, when he founded MC2 with his partner, Jeffrey Fuller; although Fuller and Brunel denied any such payment from the billionaire pervert in 2007, when rumors started swirling, Sarnoff got confirmation from a former bookkeeper at the agency. Whether the money was a secret investment in MC2, or a payment for Brunel's services as a procurer, is unknown. Brunel also visited Epstein in jail.

So who is Jean Luc Brunel? Although he did not respond to our interview request, we spoke to a number of people who have worked with his agency. While MC2 isn't considered a major industry player, it isn't exactly bottom-shelf, either: MC2 in New York most recently launched the career of Latvian editorial star Ginta Lapina (Brunel "discovered" Lapina via an MC2 scouting competition for young teens) and currently represents *Vogue* China covergirl Liu Dan. Worldwide, MC2 represents such stars as Sessilee Lopez in Miami, and top models Candace Swanepoel, Marina Lynchuk, Natalia Chabanenko, and Elisa Sednaoui in Tel Aviv.

Brunel isn't involved with the business on a day-to-day basis, although he owns an 85% stake in MC2. Instead, "Right now he does scouting for [the] agency and takes care of the international relations with other agencies," reports one source. Scouts scour the world for un-agented teenaged girls who could make it as models; they work largely unsupervised and are generally paid a headhunting fee for every girl an agency signs. Even when affiliated with an agency, as Brunel obviously is with MC2, scouts operate mostly independently and with little oversight — even relative to the almost totally unregulated modeling industry itself. "He travels a lot," says another person who has worked with Brunel. (The company blog refers to Brunel as a "scouting tsunami," and MC2 is fairly well-known for the strength of its international scouting.)

Models we spoke to report mostly positive experiences with Brunel — one praised his sense of humor and said he is "lovely to all of his models," and another described him as highly intelligent and cultured, adding, "he knows a lot about the opera and he paints" — although it should be noted that none of the models whom we spoke to had been told of either his connections with Epstein, or his past.

And what a past it is. These accounts from Michael Gross' 1995 book *Model* describe Brunel's activities in Paris from the late 1970s onwards, when he worked for, and eventually owned, the modeling agency Karins, now known as Karin Paris:

"Jean-Luc is considered a danger," says Jérôme Bonnouvrier. "Owning Karins was a dream for a playboy. His problem is that he knows exactly what girls in trouble are looking for. He's always

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been on the edge of the system. John Casablancas gets with girls the healthy way. Girls would be with him if he was the butcher. They're with Jean-Luc because he's the boss. Jean-Luc likes drugs and silent rape. It excites him."

"I really despise Jean-Luc as a human being for the way he's cheapened the business," says John Casablancas. "There is no justice. This is a guy who should be behind bars. There was a little group, Jean-Luc, Patrick Gilles, and Varsano...They were very well-known in Paris for roaming the clubs. They would invite girls and put drugs in their drinks. Everybody knew they were creeps."

It should be noted that aside from being a professional rival, Casablancas, the founder of the agency Elite, was eventually drubbed out of the industry for his own modelizing. How pervy do you have to be for John Casablancas to call you a perv?

Pervy enough to drug and rape numerous teenagers, according to *60 Minutes* and Diane Sawyer, who investigated Brunel in 1988. The program interviewed nearly two dozen models who said they had been sexually assaulted by Brunel and/or by his fellow agent, Claude Haddad. Even at that time, Brunel had a reputation as a man one could go to to procure a "date" with a young model. CBS spoke to five models who said that Brunel and/or his friends had drugged and raped them. Said producer Craig Pyes, "Hundreds of girls were not only harassed, but molested."

When Gross interviewed Brunel, this is what he had to say for himself:

"You get laid tonight with a model, is that a crime? I don't understand why people go into your personal life, what you do yourself, and to yourself, and they don't look at things that are really important."

Since then, Brunel has been involved with a succession of agencies in New York and Paris. Although the *60 Minutes* scandal eventually led Eileen Ford to stop working with him, he continued his involvement with Karins. In 1988, when powerhouse agency Next opened its doors, Brunel took an ownership stake. He also "discovered" Christy Turlington when she was 14. MC2 is only his latest venture. Because no criminal charges were ever filed by any of his accusers, and because the industry has a short memory — most models working today weren't even born when Sawyer and Pyes started looking into Brunel's activities — Brunel has been free to continue as he pleases. A French citizen, he even avoided testifying in his friend Epstein's trial.

And so Brunel is still criss-crossing the globe, trawling for 5'10" 13-year-olds from Eastern Europe and (the whiter parts of) South America. And apparently taking the occasional ride with them on Epstein's private jet. Is there any better argument for the regulation of the modeling industry?

http://nypost.com/2011/11/18/jeffrey-epsteins-level-3-sex-offender-status-upheld-by-ny-appeals-court/

HOUSE_OVERSIGHT_011942

Jeffrey Epstein's Level 3 sex offender status upheld by NY appeals court

By Dareh Gregorian

November 18, 2011 | 5:00am

Multimillionaire perv Jeffrey Epstein may not consider his Florida conviction for soliciting a minor a big deal, but New York does.

A state appeals court yesterday upheld the financier's status as a Level 3 sex offender — meaning he's considered "a threat to public safety" and a "high risk" to offend again.

Epstein, 58, did 13 months in a Florida jail for soliciting a minor to perform a sex act on him during a "massage."

Although he was never indicted or convicted for hiring any other underage girls, the state Appellate Division found there was "clear and convincing evidence" he had indeed done so, making the Level 3 designation appropriate.

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http://pagesix.com/2007/10/06/model-shop-denies-epstein-tie/

MODEL SHOP DENIES EPSTEIN TIE

By PageSix.com Staff - October 6, 2007 | 9:00am

THE owners of MC2 models are denying industry speculation that massage maven **Jeffrey Epstein** is a secret financial backer of the agency being run by scandal-scarred **Jean-Luc Brunel**, who was once accused of taking advantage of underage models.

Epstein, who this week agreed to plead guilty to soliciting underage prostitutes at his Florida mansion in a deal that will send him to prison for about 18 months, reportedly gave "millions" to start MC2, which opened in October 2005 with offices in New York, Miami and Tel Aviv. One of the girls Epstein, 54, was accused of soliciting massages from was described in court documents as being just 14.

"E equals MC squared . . . get it, like the equation? E equals Epstein. He just thinks everyone is too dumb to figure it out," said a model industry insider. "He's a desperate old man that fantasizes and takes advantage of young girls."

The trouble doesn't stop there.

Karins Models founder Brunel, who's currently a partner in MC2, denied allegations in a 1997 "60 Minutes" segment that he took advantage of young models who were high on drugs. Brunel also reportedly left his Trump Tower digs in 1999 after complaints of night carousing, which he also denied.

Disgraced former Elite models exec **Gerald Marie** is also involved with MC2, says our source.

Marie was accused of having sex with underage models in a 1999 BBC documentary where he was filmed saying he hoped to seduce contestants in a modeling contest in which the average age of participants was 15. He also dated **Linda Evangelista** when she was a teen.

"He's also involved in the agency," said the source. "Gerald and Jean-Luc like the same things. They hang out because they have young girls in common, like two guys who enjoy the same wine."

MC2 president **Jeffrey Fuller** confirmed Brunel was a partner in the company, but denied any working relationship with either Epstein or Marie.

"We have no relationship business-wise with Gerald Marie. Jeffrey Epstein has no ownership or involvement in our company and never has. Jean-Luc Brunel and I are the only two partners and owners of MC2 Model Management," Fuller said.

Epstein's rep said he was not involved in the agency. "He has no business relationship with them," said **Howard Rubenstein**.

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http://www.palmbeachdailynews.com/news/news/lawsuit-documents-link-jeffrey-epstein-to-modeling/nMGzH/

Lawsuit documents link Jeffrey Epstein to modeling agency owner Jean Luc Brunel

By Michele Dargan

Daily News Staff Writer

New court filings in a civil case filed by billionaire sex offender Jeffrey Epstein link Epstein and Jean Luc Brunel, owner of modeling agency MC2.

The documents say MC2 employees told attorney Brad Edwards that Epstein's condos at 301 E. 66th St. in New York City were used to house young models.

Edwards, who has sued Epstein on behalf of several women claiming to be victims of sex abuse by Epstein, was told MC2 brought underage girls in from all over the world, promising them modeling contracts.

"Epstein and Brunel would then obtain a visa for these girls, then would charge the underage girls rent," the documents say.

Through the investigation of his lawsuits against Epstein, Edwards learned Brunel "runs the modeling agency MC2, a company for which Epstein provides financial support," the documents say.

They also allege Epstein tried to thwart Edwards from taking depositions of Brunel, Epstein's companion Guislaine Maxwell, and other high-profile names such as President Bill Clinton.

Details are listed in more than 62 pages filed by attorney Jack Scarola on behalf of Edwards in the lawsuit Epstein filed against Edwards. Edwards represents four of Epstein's minor victims, three of whom have settled their cases with Epstein under a confidential agreement.

Epstein attorneys Christopher Knight and Joseph Ackerman declined to comment Friday on the court filings.

Edwards deposed Brunel, but his attorney delayed it and then said he was back in France with no plans to return. But according to the court papers, Brunel was staying with Epstein in Palm Beach during that period.

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The court filings describe Brunel as one of Epstein's closest pals.

Regarding Maxwell, the documents refer to sworn testimony by Epstein's former house manager, Alfredo Rodriguez, explaining how Maxwell took photos of girls without the girls' knowledge, "kept the images on her computer, knew the names of the underage girls and their respective phone numbers and other underage victims."

According to the documents: Maxwell allegedly lied about her mother being ill and having to fly back to England one day before a scheduled deposition in Edwards' case against Epstein. Despite that assertion, Maxwell was captured in a photo for OK magazine, attending the wedding of Chelsea Clinton two days later.

Epstein has settled more than two dozen lawsuits and claims against him by young women who say they were lured to his El Brillo Way mansion as teens to give him sexually charged massages and/or sex in exchange for money. The terms of all settlements are confidential.

Rodriguez took a journal from Epstein's computer that listed the names of his underage victims from around the country and the world. Calling it the "Holy Grail," Rodriguez tried to sell the journal for $50,000 to victims' attorneys. He pleaded guilty to obstruction of justice and is serving 18 months in federal prison.

Epstein, 57, served 13 months of an 18-month state sentence. He ended his one-year probation in July on state charges of soliciting prostitution and soliciting a minor for prostitution.

According to flight logs from Epstein's private planes, Clinton flew several times on Epstein's planes, many times with Maxwell, Palm Beach resident Sarah Kellen and Adriana Mucinska — "all employees and/or co-conspirators of Epstein's," according to the court papers.

The documents show that Clinton flew with Epstein, "then suddenly stopped — raising the suspicion that the friendship abruptly ended ...

"Epstein's personal phone directory from his computer contains e-mail addresses for Clinton along with 21 phone numbers for him ... and what appears to be Clinton's personal numbers," the court papers say.

Allegations in the documents say Epstein threatened victims — including Edwards' client Jane Doe — despite no-contact orders in effect.

Epstein had Doe tailed by a private investigator as her trial date neared, the court filings say. One time, Doe was so frightened that she fled her home in the company of a retired police officer and was taken to a hiding place, according to the court papers.

http://slaverytoday.org/that-gorgeous-underage-ad-model-may-be-trafficked-and-owned-regulation-for-agencies-to-stop-child-sex-trafficking/

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That Gorgeous Underage Model May Be A Slave: Regulation For Agencies To Stop Child Sex Trafficking

First came the knowledge that slaves still existed and were present in larger numbers than ever before. Then the realization that a human being could be purchased within a few hours of my home for under $100. Now only a few miles away. In the following years I've been learning the myriad forms, places and types of slavery. The list keeps lengthening and with each new form (to me), I learn about , it knocks me down, one more time.

Slavery
Debt Bondage
Sexual Slavery
Child Brides
Forced Labor
Child Soldiers
Adoption Trafficking
Organ Trafficking
Trafficked Athletes

And now a new one I should have seen coming.

Those very young, foreign models you see? Some of them were trafficked by model scouts who literally trawled through some of the most destitute and vulnerable people on earth for them. The same methods as other predatory traffickers; Go to politically or economically unstable areas; locate 5'11" beautiful young girls; buy them, import them, own them, use them.

Horrible irony to have images that portray us to the world possibly be of slaves.

It's hard to think of an area of our society that doesn't admire seeing it's most vaunted members with a model on their arm. While this observation does not imply that those people were trafficked, imagine how simple that makes it to approach a child or it's family anywhere in the world and offer them this in return for absolute control.

All the traffickers have to do is pull out a magazine or phone with videos on it.

I'm not shocked at traffickers using this method of promises to lure unsuspecting girls into slavery, I've seen it, read about it, studied it. I'm in shock that it flourishes in the most visible,

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glaring spotlight of our culture, the part that worhips and presents our current idea of beauty in almost everything we touch.

These victims are on the most prominent slave block ever, emulated by our children, coveted by our culture-makers and our society, and standing in the brightest global spotlight in the world. In plain sight, reported on in numerous stories for decades and yet only escalating in usage until they've become the golden mean.

We can quietly ignore the ones resold daily in our town, who made our clothes, chocolate, housewares, provided the gold on our fingers and necks, electronics in our hands, labor in our fields. Here, finally, are slaves we fantasize about being, emulating, allow our society to be shaped by, consider trophies.

What will this say about us if we don't drastically change it? All of it.

Katie Ford walked away from an empire the first time she learned about slavery. she's working to change with this thing she recognized to be permeating the industry. That is courage.

Regulating Modeling Agencies to Help Prevent Child Sex Trafficking

Conchita Sarnoff
Posted: 02/10/2012 8:49 pm

In 2010, Jezebel, an online site, published "The Sex Trafficking Model Scout" warning about the dangers of deregulated modeling agencies in the U.S.

Given the growing number of modeling agencies that transport underage teenagers from foreign countries into the United States and the growing sex trade of underage girls in the U.S. why does this industry remain deregulated?

Since the advent of this business, modeling agencies have had free reign to scout teenagers from every state in the country as well as every nation in the world. Many of these teenage girls come from economically disadvantaged families and are offered none to very limited protection while traveling and working as "models."

Jezebel reported that Jean Luc Brunel, one of the cast of characters involved in the ongoing Jeffrey Epstein (a level 3 registered sex offender), eight-year-long case, has been working for over two decades with a succession of agencies in New York and Paris. According to media reports, Diane Sawyer produced a segment for CBS's *60 Minutes* featuring a sex scandal that eventually led Eileen Ford (founder of renowned Ford modeling agency) to stop working with Brunel.

Brunel's latest venture is the modeling agency MC2 based in South Beach, Fla. with satellite offices in New York and Tel Aviv. Since his agency is deregulated and "no criminal charges have been filed by any of his accusers" — although many have tried to serve him including lawyers representing Epstein's victims, Brunel continues to hide behind his French citizenship to

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prevent depositions. "Trawling for 5'11" underage teenagers to work for his agency, MC2, or anyone else who requests, Brunel is free to scout for very young girls without limitations." Given his citizenship he also successfully avoided deposition in Epstein's sex related cases.

Like so many other reporters who have tried to report his side of the story when Jezebel contacted Brunel, "he did not respond to our interview request." According to Jezebel:

we spoke to a number of people who worked with his agency and while MC2 isn't considered a major industry player, it isn't exactly bottom-shelf, either... Brunel isn't involved with the business on a day-to-day basis, although he owns an 85 percent stake in MC2. Instead, he does scouting for the agency and takes care of the international relations with other agencies, reports one source. Scouts scour the world for unrepresented teenage girls who could make it as models. They work largely unsupervised and are generally paid a headhunting fee for every girl an agency signs. Even when affiliated with an agency, as Brunel obviously is with MC2, scouts operate mostly independently and with little oversight. The company blog refers to Brunel as a 'scouting tsunami' and MC2 is fairly well known for the strength of its international scouting.

Model, Michael Gross's 1995 book, describes Brunel's activities in Paris from the late 1970s onwards, when he worked for, and eventually owned, the modeling agency Karin. "Jean-Luc is considered a danger," says Jérôme Bonnouvrier. "Owning Karin was a dream for a playboy. His problem is that he knows exactly what girls in trouble are looking for. He's always been on the edge of the system."

John Casablancas, founder of Elite modeling agency said:

I really despise Jean-Luc as a human being for the way he's cheapened the business. There is no justice. This is a guy who should be behind bars. There was a little group, Jean-Luc, Patrick Gilles, and Varsano. They were very well known in Paris for roaming the clubs. They would invite girls and put drugs in their drinks. Everybody knew they were creeps." Casablancas was a professional rival who was pushed out of his agency for questionable concerns.

Katie Ford human trafficking abolitionist and Eileen Ford's daughter, talked to the *Wall Street Journal*magazine. In that story "A Model Trade Union," Ford describes herself as a "roving ambassador" to help stop human trafficking. Ford sold her stake in the family business in 2007 to the private equity firm Stone Tower Equity. "In her new life as a nearly full-time, unpaid, roving ambassador for the cause her job is an outgrowth of her former work, rather than a repudiation of it, or an atonement.

Her interest in human trafficking began when a representative of the United Nations called to ask if she would participate in a women's leadership group that was studying the issue of trafficking. "I said, 'I can't come talk about it, because I don't know anything about it!'" Ford recalls. "But I went, and after two hours, I knew why I was there. The way people traffic across borders is parallel to the way we recruit models. According to Ford "the target age is 14 to 24, and so it's similar to modeling." I knew how to reach that market" she said, "It was the feeling of: There but for the grace of God... The girls who came to us could have been those girls."

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http://slaverytoday.org/that-gorgeous-underage-ad-model-may-be-trafficked-and-owned-regulation-for-agencies-to-stop-child-sex-trafficking/

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http://files.wallstreetfolly.com/wordpress/2007/10/jeffrey-epstein-doesnt-want-to-be-branded-as-a-sex-offender-for-life-and-no-hes-not-a-modeling-agency-secret-sugar-daddy-or-so-its-owners-say/

Jeffrey Epstein doesn't want to be branded as a "sex offender" for life, and no, he's not a modeling agency secret sugar daddy (or so its owners say)

Posted by WSF On October - 9 - 2007

Jeffrey Epstein, the billionaire money manager who's agreed to plead guilty to soliciting underaged hookers and go away for 18 months, doesn't want to be branded a "sex offender" for life. Page Six says his lawyers are thinking about asking prosecutors to drop that requirement from his plea agreement:

In a letter drafted, but not sent, to U.S.
Attorney Alexander Costa and obtained by Page Six, Epstein's lawyer, Gerald Lefcourt, writes, "Doing so will have a profound impact [on Epstein] both immediately and forever after. Not only will he be restricted to a wholly inappropriate penal facility, but he will be required for the rest of his life to account for his whereabouts."

Meanwhile, over the weekend Page Six said that owners of MC2 modeling, run by Jean-Luc Brunel — who's also been accused of favoring underaged models in the past – claim that Epstein is not the secret deep pockets behind the firm, no matter what others say or speculate.

Epstein, ...reportedly gave
"millions" to start MC2, which opened in October 2005 with offices in
New York, Miami and Tel Aviv. One of the girls Epstein, 54, was accused of
soliciting massages from was described in court documents as being just 14.

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man that fantasizes and takes advantage of young girls."

"Jeffrey Epstein has no ownership or involvement in our company and never has. Jean-Luc Brunel and I are the only two partners and owners of MC2 Model Management," [Jeffrey] Fuller said. [MC2 President]

HOUSE_OVERSIGHT_011955

http://www.washingtonpost.com/news/volokh-conspiracy/wp/2014/04/21/eleventh-circuit-rules-that-discovery-can-move-forward-on-my-crime-victims-rights-act-case/

The Volokh Conspiracy

Eleventh Circuit rules that discovery can move forward on my Crime Victims' Rights Act case

By Paul Cassell April 21

On Friday, the 11th Circuit ruled that discovery can move forward in an important Crime Victims' Rights Act case that my co-counsel, Brad Edwards, and I are pursuing. The narrow issue before the court was whether prosecutors and defense attorneys could assert some sort of "privilege" to prevent crime victims from reviewing the correspondence that lead to a plea bargain. More broadly, the ruling means that the victims will have a chance to return to the district court and seek to invalidate a plea agreement that (we alleged) was consummated in violation of their rights. I hope that the case will ultimately set an important precedent that federal prosecutors can't keep victims in the dark about the plea deals that they reach.

Here are the important facts, taken from the 11th Circuit's opinion: The case arose in 2006, the FBI began investigating allegations that wealthy investor Jeffrey Epstein had sexually abused dozens and dozens of minor girls. The U.S. Attorney's Office for the Southern District of Florida accepted Epstein's case for prosecution, and the FBI issued victim notification letters to my two clients, minors Jane Doe No. 1 and Jane Doe No. 2, in June and August 2007. Extensive plea negotiations ensued between the prosecutors and Epstein. On Sept. 24, 2007, the prosecutors entered into a non-prosecution agreement with Epstein in which they agreed not to file any federal charges against Epstein in exchange for his guilty plea to minor Florida offenses (e.g., solicitation of prostitution). Not only did the prosecutors neglect to confer with the victims before they entered into the agreement with Epstein, they also concealed its existence for at least nine months. For example, the prosecutors sent post-agreement letters to the victims reporting that the "case is currently under investigation" and explaining that "[t]his can be a lengthy process and we request your continued patience while we conduct a thorough investigation."

On June 27, 2008, the prosecutors informed my co-counsel, Brad Edwards, that Epstein planned to plead guilty to the Florida charges three days later. But the prosecutors failed to disclose that Epstein's pleas to those state charges arose from his federal non-prosecution agreement and that the pleas would bar a federal prosecution. As a result, the victims did not attend the state court proceedings.

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On July 7, 2008, Edwards and I filed a petition alleging that Jane Doe No. 1 was a victim of federal sex crimes committed by Epstein and that the United States had wrongfully excluded her from plea negotiations. We also alleged that the federal prosecutors had violated her rights under the Crime Victims' Rights Act (CVRA) — specifically her rights to confer with the government, to be treated with fairness, to receive timely notice of relevant court proceedings, and to receive information about restitution. The United States responded by claiming that it used its "best efforts" to comply with the rights afforded to victims under the CVRA, but that the act did not apply to pre-indictment negotiations with potential federal defendants.

After Jane Doe No. 2 joined the initial petition, the district court (Marra, J.) found that both women qualified as "crime victims" under the CVRA. The district court later rejected the government's argument that the act only applies after the filing of a federal criminal indictment. (I've written a law review article about the issue of how early crime victims' rights attach in the criminal process, which can be downloaded here.)

Among other relief, we sought rescission of the non-prosecution agreement as a remedy for the violation of the victims' rights. To make the case for such a remedy, we moved for discovery of the correspondence between the U.S. and Epstein's attorneys during the plea negotiations. Epstein's attorneys intervened, arguing that Federal Rule of Evidence 410 and Federal Rule of Criminal Procedure 11 create a privilege for plea negotiations, barring release of the correspondence. They also argued that the court should find that the materials were protected under the work product doctrine or, alternatively, should be protected under a new "common-law privilege for plea negotiations."

The district court first ruled that rescission of the plea agreement was a possible remedy under the act. The court then ruled that we were entitled to review the correspondence, rejecting all of Epstein's arguments.

On Friday, the 11th Circuit affirmed the district court's ruling that we could review the plea correspondence. At pp. 18-22 of its published opinion, the court concluded that there was no basis for restricting access to such correspondence when crime victims have a legitimate need to review it. The court rejected, for example, the work product argument because plea discussions are not confidential:

Disclosure of work-product materials to an adversary waives the work-product privilege. See, e.g., *In re Chrysler Motors Corp. Overnight Evaluation Program Litig.*, 860 F.2d 844, 846 (8th Cir. 1988); *In re Doe*, 662 F.2d 1073, 1081–82 (4th Cir. 1981). Even if it shared the common goal of reaching a quick settlement, the United States was undoubtedly adverse to Epstein during its investigation of him for federal offenses, and the intervenors' disclosure of their work product waived any claim of privilege. . . .

The court also declined to recognize a new privilege for plea bargaining, finding the relationship between prosecutors and defense attorneys did not need special protection:

As a last-ditch effort, the intervenors contend that "[i]f more is needed in addition to the plain language of Rule 410 to preclude disclosure of the correspondence to plaintiffs, it can be found

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in the conjunction of Rule 410, the work-product privilege, and the Sixth Amendment right to the effective assistance of counsel in the plea bargaining process," but this novel argument fails too. As explained above, Rule 410 does not create a privilege and the intervenors waived any work-product privilege. The intervenors concede too that the right to counsel under the Sixth Amendment had not yet attached when the correspondence was exchanged. *Lumley v. City of Dade City, Fla.*, 327 F.3d 1186, 1195 (11th Cir. 2003) ("[T]he Sixth Amendment right to counsel ordinarily does not arise until there is a formal commitment by the government to prosecute," such as a "formal charge, preliminary hearing, indictment, information, or arraignment."). The "conjunctive" power of three false claims of privilege does not rescue the correspondence from disclosure. . . .

The Supreme Court has identified several considerations relevant to whether a court should recognize an evidentiary privilege—the needs of the public, whether the privilege is rooted in the imperative for confidence and trust, the evidentiary benefit of the denial of the privilege, and any consensus among the states, *Jaffee v. Redmond*, 518 U.S. 1, 10–15 (1996)—but none of these considerations weighs in favor of recognizing a new privilege to prevent discovery of the plea negotiations. Although plea negotiations are vital to the functioning of the criminal justice system, a prosecutor and target of a criminal investigation do not enjoy a relationship of confidence and trust when they negotiate. Their adversarial relationship, unlike the confidential relationship of a doctor and patient or attorney and client, warrants no privilege beyond the terms of Rule 410. *See Jaffee*, 518 U.S. at 10. But the victims would enjoy an evidentiary benefit from the disclosure of plea negotiations to prove whether the United States violated their rights under the Act.

Moving forward, this case raises the important issue of what kinds of remedies are available for violations of the Crime Victims' Rights Act. Our complaint alleges that, prodded by Epstein, the federal prosecutors deliberately concealed the sweetheart plea deal they had reached with him to avoid public criticism of the deal. I am hopeful that in future district court proceedings, we will be able to prove that clear violation of the CVRA and then obtain the remedy of invalidating the illegally-negotiated plea deal.

Paul G. Cassell teaches criminal law, criminal procedure, and crime victims' rights at the S.J. Quinney College of Law at the University of Utah. Before coming to Utah, he was President of the Stanford Law Review, a law clerk for then-Judge Antonin Scalia on the D.C. Circuit and for Chief Justice Warren Burger of the Supreme Court, an Associate Deputy Attorney General with the U.S. Justice Department (1986-88), and an Assistant U.S. Attorney for the Eastern District of Virginia (1988 to 1991). Cassell joined the faculty at the University of Utah College of Law in 1992, where he taught full time until he was sworn in as a U.S. District Court Judge for the District of Utah in 2002. In 2007, he resigned his judgeship to return full time to the College of Law, to teach, write, and litigate on issues relating to crime victims' rights and criminal justice reform.

HOUSE_OVERSIGHT_011958

-------- Original message --------
From: Jolanta MODILINOS
Date:15/10/2014 4:46 PM (GMT+02:00)
To: Jean Luc Brunel
Subject:

Dear Jean Luc,

Hope that you stay fine.

As per our conversation about placement of her with you in NYC and Miami, she said she found some article in internet , which changed her position and she preferred to be placed with another agency..

I am so sorry, but people believes in media more than in us sometimes, what is sad!

Warmest regards

Jolanta Sadauskiene

owner

MODILINOS model agency ***MODILINOS models***

Parodos 7-4, Kaunas *Sv.Stepono 7,Vilnius*

tel/fax:+37037323257 *cell:+37069816103*

jolanta@modilinos.com *info@modilinos.com*

www.modilinos.com

EXHIBIT B

From: "Vladimir Yudashkin @ 1 MotherAgency"
Date:17/10/2014 10:46 AM (GMT+02:00)
To: Jean Luc Brunel
Subject: The situation with Liza Zazdravnih

Dear JeanLuc,

Unfortunately I need to announce that Liza Zazdravnih rejected signing the contract with MC2 in United Sates. Initially she intended to sign the contract, but later on she came across that article in internet about you involved in illegal activities with young models. This information somehow changed her intentions completely. she is ready to be a model and consider contracts with other agencies, but she has suspicions that you will force her to illegal activities and she made the decision to don't put her self in risk.

Lets keep in touch. I will be happy to work with you next time if we have another right model for you. Im upset that it didn't work out with Liza

Sincerely,
Vladimir

Vladimir Yudashkin
Director

EXHIBIT C

-------- Original message --------
From: Manuela - Mega Partners
Date:17/10/2014 9:36 PM (GMT+02:00)
To: Jean Luc Brunel
Subject: MC2

Dear Jean Luc,

I'm very happy to hear you're coming to the agency with Vini so we can talk about us working with MC2 again.

I don't need to remind you that the sex trafficking allegations have stopped us from working with your agency for the past 5-6 years – but as Vinicius is my friend, I will try to find a girl that already knows and trusts him to place with you.

Thank you very much for the lovely bag and we'll see each other on fashion week.

Kisses,

Manuela

MEGA PARTNERS

MANUELA W MARTINEZ
International Relations
Phone: +55 11 3818.4800
Direct: +55 11 3818.4827
Cell.: +55 11 98668.0090
megamodelbrasil.com.br

EXHIBIT D

Original Message-----
From: Lorraine <lorraine@mc2mm.com>
Organization: MC2 MM
Reply-To: <lorraine@mc2mm.com>
Date: Friday, August 27, 2010 at 8:49 PM
To: <jeff@mc2mm.com>, Jean Luc Brunel <jeanluc@mc2mm.com>, Pink <pink@mc2mm.com>
Subject: FW: Press Inquiry from AFP (Agence France Presse) Videographer--Michelle Stockman

>
>
>-----Original Message-----
>From: Michelle STOCKMAN [mailto:Michelle.Stockman@afp.com]
>Sent: Friday, August 27, 2010 11:03 AM
>To: lorraine@mc2mm.com
>Subject: Press Inquiry from AFP (Agence France Presse)
>Videographer--Michelle Stockman
>
>My name is Michelle Stockman and I am a video journalist for Agence France
>Presse, the French newswire. We produce 1.5 to 2 min. videos that are
>distributed internationally to broadcast clients in Europe and Asia, and
>internet clients worldwide. In preparation for Fashion Week, my print
>colleague and I are interested in doing a piece on trends in casting
>models
>of color. I was wondering if you could refer me to a model of color and a
>casting director who can comment on her experience.
>
>My deadline is next week, so I would like to set something up for Monday
>or
>Tuesday. I can come to you as I am a one-person camera crew. When you
>have
>a moment, please let me know. I'd be happy to discuss with you over the
>phone ahead of time.
>
>Best regards,
>Michelle Stockman
>
>
>Michelle Stockman
>747 Third Avenue, 35th Floor
>New York, NY 10017

EXHIBIT E

>917-533-3261
>www.youtube.com/AFP
>
>Agence France-Presse is the world's oldest newswire with journalists in
>165
>countries. We publish worldwide in English, French, Spanish, German,
>Portuguese and Arabic. AFP delivers the news to thousands of media outlets
>worldwide from newspapers to magazines, radio and TV stations and online
>services. It reaches an audience of more than one billion people daily.
>This e-mail, and any file transmitted with it, is confidential and
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>solely for the use of the individual or entity to whom it is addressed. If
>you have received this email in error, please contact the sender and
>delete
>the email from your system. If you are not the named addressee you should
>not disseminate, distribute or copy this email.
>
>For more information on Agence France-Presse, please visit our web site at
>http://www.afp.com
>

EXHIBIT E

Sent from Samsung Mobile

------- Original message -------
From: Michael Sanka
Date:12/12/2014 12:48 (GMT-05:00)
To: Jean Luc Brunel
Subject: Scouting

Jean Luc,
How are you?
After so many years scouting for you and having a great network of agencies all around the world who enjoy to work with us, i wanted to let you know that we are on the way to lose everything we build and we are gonna have big problem now.

Agencies, still want to work with us but parents don't want their daughters to come to us, because when they google your name and the agency name the only things they see is "Sex Trafficking"!!!

It's impossible to sign a new girl and if nothing it's done i can tell you that in 3 months we we will not get any new girls and i don't see how the agency will work without new faces.

All the agencies who know you don't have any problems with you since they all told me "We know Jean Luc for more than 20 years and all those years we had so many girls place with him who had better experience than in any other agencies who were representing them as well and we never had any problems whatsoever, all our girls had great carriers as a model when he represented them".

I understand those agencies because it's hard for them to talk to parents and explain that it's not the truth when it's all over the internet.

You need to have it stop and have the people write an official letter to say that it's not the truth...

I will keep you posted of course but it's really bad for us and the scouting.

Best regards

-
Michael Sanka
3104021028

EXHIBIT F

FOX
FASHION AGENCY

Attn: Scouting division MC2
We took notes of your comments and the girls that you like on our website.

We know Jean Luc Brunel and we always work with him since more than 10 years all those years and never had any problems.
All the girls he represented from us never had any problems, they were working have great book work with good clients in editorial and campaigns and were well represented models.

Now for all the new faces we have, we needed to talk to their parents to discuss about mc2 and you interest to represent their daughters and of course they google it and saw all the bad articles about sex trafficking they were scared and I was myself speechless since we know that it's not true but it was hard for us to explain to the parents.

So of course for the moment till all is clarified we can't place any new faces with you because the parents will refuse and it makes us look bad to propose the girls to your agency.

We are sorry but you really need to clarify everything, till then we will have to cease any collaboration and we will have to refuse to let you represent any of our models.

Sure you understand.

Sandra Petkanic
Fox Fashion Agency

www.foxmodel.com
e-mail: foxoffice@sezampro.yu
Beograd 11000, Svetogorska 35 v. stan 12
Tel +381 11 3346414, tel /fax +381 11 3226202

EXHIBIT G

1 Q As part of your employment with MC Square
2 did you live in New York, for a time?
3 A I'm sorry, but I take the Fifth.
4 Q Have you ever heard any model of MC Square
5 who at the time of being a minor, that means under
6 the age of eighteen, made an accusation that
7 Jean-Luc Burnel acted inappropriate with her?
8 A Never. And that is something that I will
9 not answer. And I said never because even when
10 peoples come and ask me I will always say the truth
11 regarding that.
12 I know Mr. Brunel for the longest --
13 maybe eight years. And I always said what I know.
14 I never saw and I never knew that he did anything.
15 So I know that. And that's the truth.
16 Never. I never heard anybody accusing Mr. Brunel
17 or complaining about Mr. Brunel. Nothing.
18 Q That means -- that means at any time no
19 model, no minor model came to you and said, you
20 know, "Maritza, look what just happened to me", that,
21 "something bad happened to me".
22 A Maybe a model came and told me, "Maritza,
23 look what happen to me. I don't have any money," or
24 "I don't have a place to live". Or, "Look, I didn't
25 get my ticket", or whatever.

EXHIBIT H-1

1 a --

2 MR. OBRONT: Well, I would object, because

3 of circumstances.

4 BY MR. DAVID:

5 Q But you said before that you never heard

6 anything that would indicate that Jean-Luc Burnel

7 behaved inappropriately with -- with any models,

8 especially any minor models that MC Square may have

9 had.

0 Is that correct?

1 A Yeah, I said what is the truth. Nobody

2 complain to me. Nobody -- your question was very

3 clear, has any girl came to you and complain about

4 sexually, you know, involved with Mr. Brunel.

5 Q Right.

6 A And my answer was no. Nobody came to tell

7 me. I never saw. I never knew. His personal life

8 was not my problem.

9 Q Do you have any actual knowledge, that is

0 to say were you present or did you see with your own

1 eyes, any minor models go with Jean-Luc Burnel to

2 Jeffrey Epstein's home, or any party of his?

3 MR. OBRONT: Objection.

4 THE WITNESS: I'm sorry, but I take the

5 Fifth.

EXHIBIT H-2

COMPOSITE EXHIBIT I

IN THE CIRCUIT COURT OF THE ELEVENTH JUDICIAL CIRCUIT
IN AND FOR MIAMI-DADE COUNTY, FLORIDA

FILED
DEC 0 9 2010
CLERK

STATE OF FLORIDA,

Case No: F07-10933
Judge Seitlesinger

Maritza Vasquez, Defendant

PLEA AGREEMENT

COMES NOW KATHERINE FERNANDEZ RUNDLE, State Attorney of the Eleventh Judicial Circuit of Florida, by and through the undersigned Assistant State Attorney, and enters the following agreement with the Defendant, to wit, that the Defendant shall plead guilty to Count one (1) and is adjudicated guilty, while Count two (2) will be nolle prossed and the Defendant will be sentenced as follows:

1. One (1) years Community Control followed by nineteen (19) years probation with the special condition of restitution of $98,000.00 to Kain Models, LLC at a minimum monthly payment of $500.00 per month.

2. The Defendant shall be eligible for early conversion of the Community Control to probation upon payment to the victim through the Department of Corrections of $25,000.00 towards the restitution.

3. The Defendant shall be eligible to early conversion of the probation to community control after a total of two (2) years of either community control or probation if the restitution is paid in full.

4. The Defendant shall be eligible to early termination of probation after three (3) years if the restitution is paid in full.

Entered into this 5th day of December 2007, in Miami-Miami Dade County, Florida.

Respectfully submitted,

KATHERINE FERNANDEZ RUNDLE
STATE ATTORNEY

Maritza Vasquez
Defendant
Florida Bar # [illegible]

By: Thomas W. McGee
Assistant State Attorney
Fla. Bar # 326281

Carl Oberst, Esquire
Attorney for the defendant
Florida Bar #

Honorable Seitlesinger
Circuit Court Judge

EXHIBIT I

IN THE CIRCUIT COURT OF THE EIGHTEENTH JUDICIAL CIRCUIT IN AND FOR BREVARD COUNTY, FLORIDA

DIVISION
X CRIMINAL
OTHER

ORDERS OF SUPERVISION

CASE NUMBER

STATE OF FLORIDA

vs Martin Vasquez

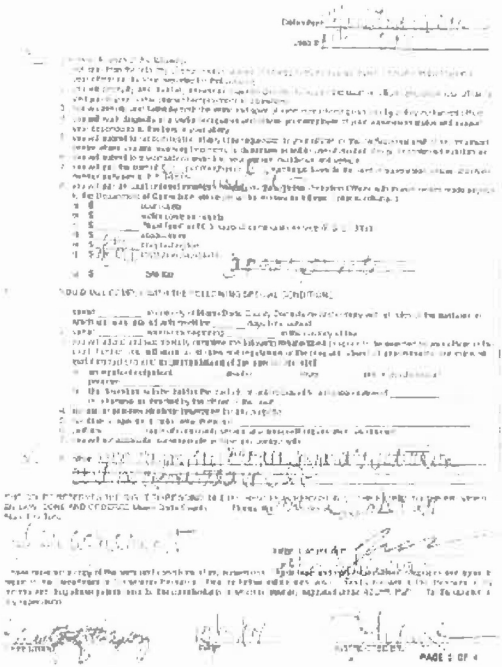
DEFENDANT

ORDERS OF SUPERVISION

COURT: I Find That I°

PAGE 1 OF 4

EXHIBIT I



PAGE 1 OF 4

EXHIBIT I

FILED

IN THE CIRCUIT COURT OF THE ELEVENTH JUDICIAL CIRCUIT
IN AND FOR MIAMI-DADE COUNTY, FLORIDA FALL TERM, 2000

THE STATE OF FLORIDA

[illegible]

Defendant

INFORMATION FOR

1. GRAND THEFT FIRST DEGREE [illegible] (F2 [illegible] 10
2. ORGANIZED FRAUD - SCHEME TO DEFRAUD $50,000 OR MORE [illegible]

IN THE NAME AND BY THE AUTHORITY OF THE STATE OF FLORIDA:

KATHERINE FERNANDEZ RUNDLE, State Attorney of the Eleventh Judicial Circuit, prosecuting for the State of Florida in the County of Miami-Dade, [illegible] the undersigned Assistant State Attorney, under oath, informs and says that

McCOY [illegible]
Circuit Court Clerk [illegible]
[illegible] WT. DOB 10/29/1967 SS#

[illegible]

Defendant [illegible]

COUNT 1

MARITZA VASQUEZ, on or between May 21, 2004 and June 30, 2006, in the County and State aforesaid, did knowingly, unlawfully and without authority, obtain or use or attempt to obtain or use U.S. currency, the property of KARIN MODELS USA, LLC and/or JEAN LUC BRUNEL and/or JEFF FULLER as owner or custodian, with intent to defraud the owner of United States Currency, of the value of $100,000.00 or more, with the intent to deprive the property or permanently deprive KARIN MODELS USA, LLC and/or JEAN LUC BRUNEL and/or JEFF FULLER of a right to the property or of a benefit therefrom or to appropriate the property to said defendant's own use or to the use of any person not entitled thereto, in violation of s. 812.014(1) and (2)(b), Fla. Stat., contrary to the form of the Statute in such cases made and provided, and against the peace and dignity of the State of Florida.

COUNT 2

And the aforesaid Assistant State Attorney, under oath, further information makes MARITZA VASQUEZ, on or between May 21, 2004 and June 30, 2005, in the County and State aforesaid, did unlawfully and feloniously engage in a scheme to defraud as defined by s. 817.034(3)(b), Fla. Stat., by engaging in a systematic, ongoing course of conduct with the intent to defraud one or more persons, to wit: KARN NOODLES USA, LLC and/or JEAN LUC BRUNEL, and/or JEFF FULLER, by false or fraudulent pretenses, representations, or promises or willful misrepresentations of a future act, and to the obtaining property, to wit: U.S. DOLLARS OR CURRENCY, of an aggregate value of fifty thousand dollars ($50,000.00), or more, the property of KARN NOODLES USA, LLC and/or JEAN LUC BRUNEL or and/or JEFF FULLER, as owner or custodian, in violation of s. 817.034(4)(a)1, Fla. Stat., contrary to the form of the Statute in such cases made and provided and against the peace and dignity of the State of Florida.

STATE OF FLORIDA, COUNTY OF MIAMI-DADE:

Personally known to me and appeared before me the Assistant State Attorney of the Eleventh Judicial Circuit of Florida whose signature appears below, being first duly sworn, says that the facts set forth in the Information are based upon facts which have been sworn to as true by a material witness or witnesses, and which have come to his knowledge in the course of his official duties and that the prosecution is instituted in good faith.

Assistant State Attorney, Bar # 32432
1350 NW 12th Ave., Miami, FL 33136-2109

Sworn to and subscribed before me this 19th day of April, 2005

By _____
Deputy Clerk of the Circuit Court
Notary Public

CLERK & COMPTROLLER
MIAMI-DADE COUNTY, FLORIDA

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A. SERRA ALESSANDRO

EXHIBIT I

COMPOSITE EXHIBIT J - VISA

Department of Homeland Security
U.S. Citizenship and Immigration Services

I-797B, Notice of Action

THE UNITED STATES OF AMERICA

RECEIPT NUMBER
EAC 11 194 81207

RECEIPT DATE
June 24, 2011

PRIORITY DATE

NOTICE DATE
September 8, 2011

PAGE
1 OF 1

FORM I-129
PETITION FOR A NONIMMIGRANT WORKER

PETITIONER
MCS MODELS MIAMI LLC

LUIS PONTE
PONT LAW GROUP PA
1440 HOLLYWOOD BLVD SUITE 418
HOLLYWOOD FL 33021

Notice Type: Approval Notice
Class: O1
Valid from 10/01/2011 to 08/30/2014
Consulate: PARIS

The above petition has been approved. Additional information has been sent to the local consulate. You may also read the text off letters sent to this notice to the author to see the approval. Please contact the consulate with any questions about the change. This step is not a visa, and anyone used to PLACE for a visa.

Petition approval does not authorize employment. Once the [illegible] grant status based on this petition has been [illegible] the petitioner, but only as backed in the [illegible] the period authorized. Please contact the TSC with any questions about the withholding.

If circumstances change, the petitioner may file Form I-[illegible] to notify USCIS of this approval if any of the workers are already in the U.S. the petitioner [illegible] a new Form I-129 to seek to change an current status. Review based on this petition. Changes in employment [illegible] new petition. Include a copy of this notice with any other required documentation.

The approval of this visa petition does not in itself grant [illegible] status and does not guarantee that the alien beneficiary will subsequently be found to be eligible for a [illegible] adjustment to the United States or for an extension, change or adjustment of status.

Number of workers: 5

Name
beneficiary FRAN LAN DIEGO MARIA DOB 09/19/1966 FRANCE

UDC

Elsa Consulate or POE in Paris

NOC Code
100

Please see the additional information on the back. You will be notified separately about any other cases you filed.

U.S. CITIZENSHIP & IMMIGRATION SVCS
VERMONT SERVICES CENTER
75 LOWER WELDEN STREET
SAINT ALBANS VT 05479-0001
Customer Service Telephone: (800) 375-5283

Form I-797B (Rev 08/07/09)N

Please tear off along this perforated line and present it to the visa officer.

The alien may use this portion when applying for a visa at an American consulate abroad, or if no visa is required, when applying for admission to the U.S.

Receipt No: EAC 11 194 81207 Case Type: I129
Notice Date: September 8, 2011 Priority Date: 06/24/2011 Name of Petitioner: MCS MODELS MIAMI LLC
Petition Validity Dates: 10/01/2011 through 07/30/2014 Number of Persons: 5
Name Beneficiary: FRAN LAN DIEGO MARIA ANNE DOB 09/19/1966 FRANCE UDC CSC Elsa Consulate or POE in Paris NOC Code 100

Form I-797B (Rev 10/01/08) N

SUPPORTING DOCUMENTS

EXHIBIT 1 Several press and media articles documenting the rise of South Beach as one of the United States' main fashion capitals.

EXHIBIT 2 Press articles regarding the models and actresses who were both discovered by and careers were launched by the beneficiary, Jean Luc Brunel.

EXHIBIT 3 Several articles regarding the prestigious reputation of Kann Models as formerly one of the world's leading agencies.

EXHIBIT 4 A list of all of MC2's clients, including several high-profile campaigns featuring some of MC2's fashion models, as well as several press clippings regarding this prestigious and reputable modeling agency.

EXHIBIT 5 The beneficiary's, Jean Luc Brunel, impressive curriculum vitae, verifying his tremendous accomplishments in both the fashion and modeling industries.

EXHIBIT 6 Several articles regarding the 2004 Models New Generation Contest (including translations) as well as the beneficiary's leading role within this prestigious modeling event.

EXHIBIT 7 Several press articles regarding the prestigious 2006 Models New Generation Competition (including translations), as well as the beneficiary's Jean Luc Brunel, leading role within the event.

EXHIBIT 8 Letter of Claudia Midolo, President of Modelwork, a renowned modeling agency.

EXHIBIT 9 Letter of Alla Amantova, Director of Figaro International Management.

EXHIBIT 10 Several press articles reflecting the prestige and high circulation rates of the mentioned magazines and periodicals which have featured and covered the modeling events which the beneficiary, Jean Luc Brunel, has organized throughout the years.

EXHIBIT 11 Information regarding the extremely successful and prestigious modeling and fashion association, International Model Talent Association (IMTA).

mc2
MODELSMIAMI

July 25, 2014

Department of Homeland Security
United States Citizenship and Immigration Services
Vermont Service Center
30 Houghton Street
Saint Albans, VT 05478

RE: 1-129, Petition for a Nonimmigrant Worker
O-1 Extraordinary Ability as an Art Director and Talent Coordinator
***Petitioner:* MC2 Models Miami, LLC**
Beneficiary: Jean-Luc Didier Henri-Rene BRUNEL

Dear Sir / Madam:

The present letter and its enclosures are submitted in support of the attached O-1 petition of MC2 Models Miami, LLC, on behalf of Mr. Jean Luc Brunel. The petition is based upon Mr. Brunel's standing as an "Alien of Extraordinary Ability in Art Direction and Talent Coordination." ***Kindly note that Mr. Brunel currently holds O-1 status with our organization.***

The South Florida area and Miami Beach in particular have become a mecca for the fashion and modeling industries. As a result, many of the largest international modeling agencies such as Ford, Elite, and MC2 have opened offices in South Beach and the area has become one of the most important in the modeling industry In fact, Miami Beach has become second only to New York City in terms of employment opportunities for fashion models in the United States. Attached as **EXHIBIT 1**, please find several press and media articles documenting the rise of South Beach as one of the United States' main fashion capitals.

In 1996, our company, MC2 (formerly Karin Models), established an office in the heart of the historic Art Deco District of Miami Beach. "South Beach" has truly become one of the world's modeling capitals and we are pleased to be a part of it Our agency has developed a highly distinguished reputation in the modeling industry. We specialize in representing numerous models of international acclaim. Having discovered faces such as Christy Turlington, and molded the careers of celebrities such as Sharon Stone, Estella Warren, Milla

mc2 models miami • 1674 alton road • suite 500 • miami beach fl 33139
305 672 8300 • fax 305 531 8330 • administration 305 672 7672 • fax 305 672 6332
mc2mm.com

Jovovich, Jerry Hall and Rebecca Romijn, who is currently starring in the award-winning ABC television series, *Ugly Betty*; MC2 models are among the most sought after in the industry, as evidenced by the caliber of their commercial and editorial bookings. Many of our fashion models have graced the pages of leading fashion magazines of the United States, Europe, Latin America, Africa, and Australia such as *Vogue*, *Teen Vogue*, *Elle*, *W*, *Glamour*, *V*, *Marie Claire*, *Surface* and *Cosmopolitan* as well as many more throughout the world. In addition to our Miami Beach office, MC2 Models has offices in New York City and Tel Aviv, Israel.

As Artistic Director and Talent Coordinator for MC2 Models Miami, LLC, Mr. Brunel will be responsible for overseeing the artistic aspects of the agency. By overseeing the art department in the agency, Mr. Brunel will direct the visual marketing of the models to clients, focusing on the images placed on both the model's composite cards and their portfolios. Both of these marketing tools are crucial in marketing fashion models to their appropriate catalog, editorial, or media clients. As Artistic Director and Talent Coordinator, Mr. Brunel will also coordinate the pairing of fashion models with a particular photographer. Clients for the agency include a myriad of fashion publications, retail stores, consumer product companies, and fashion houses to name but a few. Recruitment of talented artistic photographers who have an excellent understanding of the "ins and outs" of the modeling and fashion industry is critical to the successful running of a top-modeling agency such as MC2 Models. Mr. Brunel will also continue with his amazing track record of discovering the world's greatest talents and beauties in order to sign them with MC2 Models. Mr. Brunel will continue to travel around the world looking for new talents, and to agencies around the world in order to establish relationships with those agencies and allow MC2 Models Miami, LLC to represent them in the United States.

Mr. Brunel's impressive qualifications as an Art Director and Talent Coordinator, establish eligibility as to the regulatory standards for such classification as a top professional in his field. Mr. Brunel meets the O-1 criteria as an individual of extraordinary ability in the Arts and Entertainment field as well as a business entrepreneur. MC2 Models Miami, LLC is presently seeking a sophisticated art director and talent coordinator. After reviewing his experience and accolades, we are confident that the beneficiary, Mr. Jean Luc Brunel, will perform said function with outstanding skill and professionalism.

I. MR. BRUNEL'S QUALIFICATIONS AS THE BENEFICIARY

In addition to Jean Luc Brunel's extensive business qualifications, his career as an individual with artistic vision and creative talents qualifies him as an O-1 alien in the Arts and Entertainment Field. His all- encompassing experience as an Art Director, Talent Coordinator, international entrepreneur and business

HOUSE_OVERSIGHT_011981

leader in the modeling, fashion, entertainment, public relations, restaurant, and tourism industries has made Mr. Brunel internationally renowned in those fields. Among his various accomplishments throughout his career are the successful modeling agencies he has founded both in Europe and in the United States. For example, in 1978, Mr. Brunel founded and grew Karin Models Paris from the ground up to become a lead-market agency with a world-wide presence. Capturing a strong market share in Paris, Mr. Brunel successfully created Karin Models as a platform for marquee clients to obtain sophisticated public relations services and important modeling contract opportunities. Mr. Brunel's success was so great with Karin Paris that in the next ten years, he founded Next Model Management in Los Angeles, California in 1980, Next Model Management in Miami, Florida in 1982, Model Management Group also in Miami, Florida in 1986, and Rebecca Commercial Casting in New York City, in 1988. The latter one was opened as a talent and casting agency for performers, offering services such as voice-overs, television, and cinema advertising work, again, successfully carving out a niche by which to make his mark and achieve bold commercial performance results.

Although Mr. Brunel later sold his rights to Next Management to Faith Kates in 1989, who partnered with Joel Wilkenfeld a couple of years later; NEXT represents some of the most prestigious women and men in the fashion world today. Star talent includes renowned fashion models Molly Sims, Daniela Pestova, Audrey Quock, Yamila Diaz, and Malgosia Bela. NEXT continues to maintain an influential international force in the fashion and modeling industry through its fully operational offices in New York, Los Angeles, Miami, Sao Paolo, Montreal, London, and Paris, as well as its affiliates in Milan and Australia.

Because of strong revenue growth and successful business performance, as a result of his artistic vision as an artistic director and talent coordinator, Mr. Brunel founded the very successful Karin Models of America in New York City and Karin Models USA in Miami Beach. Mr. Brunel's commercial ventures in opening Karin agencies in Paris, New York, and Miami have been extremely successful, generating combined annual revenues of twenty five (25) million dollars. Eventually, Mr. Brunel licensed the Karin name to agencies in Israel, Denmark, Germany, and Spain. Mr. Brunel's extraordinary talents are not only limited to launching successful modeling businesses, but also in discovering and launching the careers of some of the world's most successful models. Mr. Brunel has launched the extremely successful careers of supermodels such as Christy Turlington, Rachel Hunter, Sharon Stone, Monica Bellucci, Estella Warren, and Christina Semonnovskaya. These women all proceeded to become some of the most photographed international cover models in the world, appearing on thousands of magazine covers worldwide and spanning many years. As a result of his reputation as a highly visible, strategic networker who cultivates and conducts business in a global environment and brokers lucrative deals, many

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top players in the fashion and entertainment field requested that Mr. Brunel function as their exclusive agent and representative. Some of these top former and present professional supermodels in the fashion field include, Naomi Campbell, Christy Turlington, Rebecca Romijn, Milla Jovanovich, Inez Sastre, Melanie Thierry, and Jerry Hall. Attached as **EXHIBIT 2**, please find press articles regarding the models and actresses who were both discovered by and careers were launched by the beneficiary, Jean Luc Brunel. Additionally, attached as **EXHIBIT 3**, please find several articles regarding the prestigious reputation of Karin Models as formerly one of the world's leading agencies.

Most recently in October 2005, and after his reign with Karin Models, Mr. Brunel launched the prestigious MC2 Model Management worldwide with offices in New York, Miami and Tel Aviv. Mr. Brunel started the high-profile MC2 Model Management in order to represent high fashion models in a boutique agency setting. MC2 Model Management is already being lauded by fashion insiders as "one of the hottest agencies in North America" as well as "prominently positioned to be one of the major players of the Zeros because of its insider relationships with the most influential photographers around." We invite you to visit www.mc2mm.com in order to view the high-caliber of models, MC2 represents. Some of its most recent successful bookings include Liu Dan's exclusive contract as the face of the Fall 2007 Guess Campaign and Sammy Jo's cover story for *Cosmopolitan Magazine*. Attached as **EXHIBIT 4**, please find a list of all of MC2's clients, including several high-profile campaigns featuring some of MC2's fashion models, as well as several press clippings regarding this prestigious and reputable modeling agency.

Jean Luc Brunel's entrepreneurial spirit is not only contained to the field of arts, beauty, and fashion. In 1970, as a result of his business insight, Mr. Brunel founded and grew Jean Luc Relations Publique, which specialized in press and promotions for tour operators and restaurants in France. During his work through Jean Luc Relations Publique, Mr. Brunel represented various key clients and collaborated on numerous prestigious events. Some of the prestigious events include: Air Tour and Daro Voyages. Jean Luc Relations Publique also promoted and marketed La Tour D'Argent, a three-star restaurant owned by Claude Terrail and, "The Go-Between", a motion picture by George Losey. Other projects taken on by Mr. Brunel through his public relations company was his work as product agent for Jean Claude Killy, 1968 Winter Olympic Gold Medalist skier, to promote Vail, Colorado in France for tourism potential and also directed all of the promotion for Finland's Ministry of Tourism. In 1975, Mr. Brunel further invested in the Food and Hospitality market by creating and developing "El Mono Desnudo"- a legendary, high-end bar on the Iberian Peninsula. This bar was known throughout the peninsula as extremely exclusive and attracted a celebrity clientele that included actress, Ursula Andress, and the Duchess D'Alba. Attached as **EXHIBIT 5**, please find the beneficiary's, Jean Luc Brunel,

impressive curriculum vitae, verifying his tremendous accomplishments in both the fashion and modeling industries.

II. ELIGIBILITY FOR CLASSIFICATION AS AN ALIEN OF EXTRAORDINARY ABILITY IN THE ARTS

Under the Miscellaneous and Technical Immigration and Nationality Amendments of 1991, petitions for classification as an Alien of Extraordinary Ability in the Arts must be supported by evidence of "distinction". According to 8 CFR §214.2(o)(3)(ii), "distinction" means a high level of achievement in the field of arts as evidenced by a degree of skill and recognition substantially above that ordinarily encountered to the extent that **a person described as prominent is renowned, leading, or well-known in the fields of arts.** This evidence may consist of proof that the alien must be recognized as being prominent in his field of endeavor as demonstrated by the following according to 8 CFR §214.2(o)(3)(iv):

A. Evidence that the alien has been nominated for or has been the recipient of significant national or international awards or prizes in the particular field such as an Academy Award, an Emmy, a Grammy, or a Director's Guild Award, or

B. At least three of the following forms of documentation:

(1) Evidence that the alien has performed, and will perform, services as a lead or starring participant in productions or events, which have a distinguished reputation as evidenced by critical reviews, advertisements, publicity releases, publications contracts, or endorsements;

(2) Evidence that the alien has achieved national or international recognition for achievements evidenced by critical reviews or other published materials by or about the individual in major newspapers, trade journals, magazines, or other publications;

(3) Evidence that the alien has performed, and will perform, in a lead, starring, or critical role for organizations and establishments that have a distinguished reputation evidenced by articles in newspapers, trade journals, publications, or testimonials;

(4) Evidence that the alien has a record of major commercial or critically acclaimed successes as evidenced by such indicators as title, rating, standing in the field, box office receipts, motion picture or television ratings, and other occupational achievements reported in trade journals,

major newspapers, or other publications;

(5) Evidence that the alien has received significant recognition for achievements from organizations, critics, government agencies, or other recognized experts in the field in which the alien is engaged. Such testimonials must be in a form, which clearly indicates the author's authority, expertise, and knowledge of the alien's achievements; or

(6) Evidence that the alien has either commanded a high salary or will command a high salary or other substantial remuneration for services in relation to others in the field, as evidenced by contracts or other reliable evidence; or

C. **If the criteria in paragraph (o)(3)(iv) of this section do not readily apply to the beneficiary's occupation, the petitioner may submit comparable evidence in order to establish the beneficiary's eligibility.**

EVIDENCE THAT THE BENEFICIARY MEETS AT LEAST THREE OF THE PRONGS OF THE CRITERIA UNDER SUBSECTION B

The **first prong** that the beneficiary satisfies is **8 CFR §214.2(o)(3)(iv)(B)(1)**, which requires **evidence that the alien has performed, and will perform, services as a lead or starring participant in productions or events which have a distinguished reputation as evidenced by critical reviews, advertisements, publicity releases, publication contracts, or endorsements.**

As a result of Mr. Brunel's combined expertise in fashion and tourism, he decided to create Latin Model Pageants, now known as Models New Generation- to cross promote these key industries with international business and investment opportunities. Mr. Brunel has promoted and judged various modeling contests throughout South America including modeling contests staged in countries such as Peru, Ecuador, Brazil, Argentina, and Chile. Conceived in 1987, the Latin Model of the World event was a high-end modeling and entertainment product that appealed to upscale international audiences, reaching nearly 400-million television viewers worldwide. Throughout his history as a major international event promoter and artistic and talent coordinator, Mr. Brunel has orchestrated multi-faceted public relations, advertising and media campaigns that incorporated television, magazines, programs, newsletters, and promotions, becoming notably lucrative for various major brands as a promotional tool. Mr. Brunel's acute knowledge of marketing and promoting skills has turned his various international events into highly successful artistic and business ventures for various major brands. Latin Model Pageants attracted major brands as

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sponsors, such as American Airlines, Ray-Ban, Coca-Cola, Proctor & Gamble, and Revlon.

Mr. Brunel's has continued his ventures as both a promoter and panel judge when he founded and created the international modeling contest, Models New Generation that took place in Guayaquil, Ecuador in 2004. Mr. Brunel sat on a panel with three other professionals in the fashion industry and judged over forty-nine young women from over North and South America, Asia, and Europe. After ten days of harsh competition, Jean Luc Brunel crowned the winner, Alyne Weber, a fifteen year old from Brazil, whom as a result of coming in first place was awarded over three hundred thousand dollars worth of modeling contracts. The city of Guayaquil, Ecuador was also thrown into the international spotlight as the host city for the modeling contest. The Models New Generation was broadcasted on numerous television network channels including, Fashion TV, which transmits to over 202 countries throughout the globe, the entire Association of Television Channels in Ecuador, National Television of China, and Rede Globo, Brazil's largest and most popular television network. Attached as **EXHIBIT** 6, please find several articles regarding the 2004 Models New Generation Contest as well as the beneficiary's leading role within this prestigious modeling event.

As a result of the tremendous success of the first Models New Generation that took place in Guayaquil, Ecuador in 2004, Mr. Brunel organized the second Model New Generation Contest which was held in 2006 in the Ecuadorian capital of Quito. In order to select only the very best new models, several preliminary, qualifying shows were held in different countries of Latin America including Bolivia, Panama and Peru. The final contest was held in Quito, Ecuador at the historical Plaza San Francisco. Mr Brunel sat on a panel with three other professionals in the fashion industry and judged over forty-eight young women from twenty-eight different countries from North and South America, Asia, and Europe. After ten days of harsh competition, Jean Luc Brunel crowned the winner, Ginta Lapina, an eighteen year-old, from Latvia, whom as a result of coming in first place was awarded over three hundred thousand dollars worth of modeling contracts.

The city of Quito, Ecuador was also thrown into the international spotlight as the host city for the modeling contest. Again, just like the immense media exposure given to the first Models New Generation competition of 2004, the 2006 Models New Generation competition was broadcast on numerous television network channels including, Fashion TV, which transmits to over 202 different countries throughout the globe, the entire Association of Television Channels in Ecuador, National Television of China, and Rede Globo, Brazil's largest and most popular television network. Attached as **EXHIBIT** 7, please find several press articles regarding the prestigious 2006 Models New Generation

Competition, as well as the beneficiary's Jean Luc Brunel, leading role within the event. The 2006 Models New Generation program was broadcast in over 202 countries throughout the world. Mr. Brunel has performed and will most definitely continue to perform services as a leading participant in modeling events, which have a distinguished reputation and will bring more public international light to MC2 Models.

For the above-mentioned reasons, Mr. Brunel satisfies INA §214.2(o)(3)(iv)(B)(1).

The <u>second prong</u> that the beneficiary satisfies is <u>8 CFR §214.2(o)(3)(iv)(B)(2)</u>, which requires **evidence that the alien has achieved national or international recognition for achievements evidenced by critical reviews or other published materials by or about the individual in major newspapers, trade journals, magazines, or other publications.**

Mr. Brunel holds an international reputation as a visible, strategic networker who is able to cultivate expert relationship management skills in order to conduct business in a global environment and broker lucrative deals. Mr. Brunel has a long history in marketing and advertising major fashion campaigns. Throughout his twenty-five year career in the fashion business, Mr. Brunel has developed worldwide exclusive modeling and cosmetic campaigns. Some of these major cosmetic campaigns include: Bio Therm with supermodel Elle McPherson, PHAS with Rebecca Romijn, Christian Dior with Christina Semonnovskaya, Margret Astor with Monica Bellucci, Chanel with Patricia Von Rickenheim, Angel Perfume with Thierry Mugler, and Cacharel Perfume with Alda Ballestra. Mr. Brunel has also developed major fashion campaigns and has developed campaigns and exclusive contracts with some of the world's top fashion designers such as Yves Saint Laurent, Chanel, Christian Dior, Gucci, Prada and Marc Jacobs. Please see the enclosed letter of Claudia Midolo, President of Modelwork, a renowned modeling agency. **EXHIBIT B**.

As a talent coordinator, Mr. Brunel's success can and should also be measured with the successful careers the models, whose careers he launched, have achieved. As stated above, Mr. Brunel has discovered and represented various super models throughout his career. Christy Turlington, who was discovered by Mr. Brunel, has personified unaffected beauty- representing Calvin Klein's fragrances since 1987. Turlington, as well as another model represented by Mr. Brunel, Naomi Campbell, became one of the few supermodels, who managed to make an easy transition from the haute glamour of the 1980's to the relaxed simplicity of the following decade. Throughout her extensive career, and as a result of Mr. Brunel's "Fashion- Savvy Eye", Christy Turlington has graced the cover of hundreds of fashion magazines, such as *Cosmopolitan, W, Vogue, Shape, Fitness, Elle, Bazaar, Marie Claire, Harper's,*

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Esquire, and even *Time Magazine*. Please see the enclosed letter of Alla Amantova, Director of Figaro International Management. **EXHIBIT 9.**

In addition, the modeling events that Mr. Brunel has been organizing throughout the years receive not only national, but also international attention and appear in multiple publications around the world. One of the most recent events he organized, the Models New Generation contest, which took place in Ecuador was publicized and transmitted by various television networks and appeared on multiple newspapers and magazines, among them Globo Television Networks in Brazil, Fashion TV which is broadcast into 202 countries throughout the world, *El Universo, Cosas, La Razon, El Diario, El Telegrafo, Notinorte, Extra, Hoy, El Gran Guayaquil, El Comercio, Semana*, and *8 Lideres*, to name a few. These major publications have a large subscription rate which numbers in the many millions of readers. Attached as **EXHIBIT 10**, please find several press articles reflecting the prestige and high circulation rates of the above-mentioned magazines and periodicals which have featured and covered the modeling events in which the beneficiary, Jean Luc Brunel, has organized throughout the years.

Hence the beneficiary satisfies INA §214.2(o)(3)(iv)(B)(2) for having achieved not only national but also international recognition for achievements in the modeling industry, by having his work published in major newspapers and magazines throughout the world.

The **third prong** that the beneficiary satisfies is **8 CFR §214.2(o)(3)(iv)(B)(4)**, which requires **evidence that the alien has a record of major commercial or critically acclaimed successes as evidenced by such indicators as title, rating, standing in the field, box office receipts, motion picture or television ratings, and other occupational achievements reported in trade journals, major newspapers, or other publications**.

One of the main reasons that Mr. Brunel has been able to not only survive, but also be extremely successful in the ever-changing world of fashion is his ability to identify and recruit star-quality talent. As a result of his ability to scout major talents, Mr. Brunel was invited to become a member in one of the fashion industry's most elite and important associations, the International Model Talent Association (hereinafter IMTA). The IMTA is an international association of training centers for models and talent. IMTA gives aspiring models, actors, singers, and dancers spectacular opportunities to showcase their potential talents in front of top fashion and talent agents from the major markets of the international fashion industry. IMTA also provides its association members valuable marketing tips and networking events with agents and scouts from around the world. Several of todays up and coming actors and models have been discovered at

IMTA; some of these discoveries include world-renowned actors such as, Elijah Woods, Ashton Kutcher, Katie Holmes, Eva Longoria, Jessica Biel, and Sean William Scott. Attached as **EXHIBIT 11**, please find information regarding the extremely successful and prestigious modeling and fashion association, IMTA. Additionally, please find several pages from IMTA's official website documenting their discovery of the above-mentioned A-list actors and actresses, whose membership in IMTA proved to be the launching pad for very successful and highly profitable careers in the film industry.

Furthermore, as previously mentioned, Mr. Brunel has launched the successful careers of many internationally renowned models, who have been featured and still are in many international and national fashion magazines. In addition, his commercial ventures, especially MC2 Models, formerly Karin Models, have been extremely successful generating combined annual revenues of twenty five (25) million dollars. Currently MC2 is one of the most successful and well-known modeling agencies in the world. Mr. Brunel is one of few people in the modeling business that have achieved a similar standing and have been able to maintain it for over twenty-five years.

For the above-mentioned reasons, Mr. Brunel satisfies INA §214.2(o)(3)(iv)(B)(4).

EVIDENCE THAT THE BENEFICIARY MEETS 8 CFR §214.2(O)(3)(iv)(C)

The petitioner has submitted a plethora of evidence regarding Mr. Brunel's experience in the fashion modeling industry. Mr. Brunel's has established MC2 Models, formerly Karin Models, which is presently one of the major international modeling agencies, with combined annual revenues of twenty five million dollars. Only someone with Mr. Brunel's expertise and strong strive for success can achieve such international acclamation in the industry and been able to maintain his status for over twenty-five years. Mr. Brunel is the one responsible for the launch of numerous supermodels' careers, which have been maintained in the spotlight for several years. He has worked with renowned fashion designers and photographers, who have trusted his work and intuition. In addition, Mr. Brunel has archestrated many international and national successful fashion events that have received international acclamation.

For the above-mentioned reasons, Mr. Brunel in addition to meeting at least three of the criteria of 8 CFR §214.2(O)(3)(iv)(B), he also qualifies under 8 CFR §214.2(O)(3)(iv)(C).

III. CONCLUSION

It is clear from the evidence that Mr. Brunel is eligible for classification as an Alien of Extraordinary Ability in Art Direction and Talent Coordination based

upon his meeting the eligibility requirements under the Immigration and Naturalization Act 101(a)(15)(O)(i) and 8 CFR 214.2(o). Mr. Brunel's successful career proves that he is a prominent, leading, and well-known person in the field of arts. Mr. Brunel's extraordinary ability in the field of arts, in which he will continue to work in the United States, has been demonstrated by sustained national and international acclaim. Based on the foregoing, we respectfully request your kind consideration and favorable determination of this petition, in order to accord Mr. Brunel the classification as an **Alien of Extraordinary Ability in Art Direction and Talent Coordination.** ***Again, kindly note that the beneficiary, Mr. Jean Luc Brunel, has held O-1 status in the past.***

Wherefore, for the above-stated reasons, we respectfully request your favorable adjudication of the O-1 nonimmigrant visa petition submitted by MC2 Models Miami, LLC on behalf of Mr. Brunel. If you should have any questions or require any additional documentation, please do not hesitate to contact our office.

Thank you very much for your kind attention regarding this matter.

Truly Yours,

Milan, September 17th, 2014

USCIS
Vermont Service Center
75 Lower Welden Street
St. Albans, VT 05479-0001

RE: O-1 Non-immigrant Visa Petition on behalf of Jean Luc Didier Henri-Rene Brunel

I write this letter in strong support of Mr. Jean Luc Brunel's application for a non-immigrant visa to this country. I am currently Amministratore Unico in Studio Fp. I have been asked to review the professional credentials of Ms. Brunel, and it is my professional opinion that Ms. Brunel is an Art Director and Talent Coordinator of extraordinary ability who ranks among the small percentage of foreign people at very top of his field.

I have seen first-hand Mr. Jean Luc's special expertise in the field, including casting, production, coordination, and art direction for shoots. Mr. Brunel is considered by those in our industry to be an extraordinary creative director talent, particularly for the fashion and related industries. In my personal dealings with Mr. Jean Luc Brunel, I found him to be thoroughly professional and capable of being utilized in connection with a wide range of creative subject matter on any assignment. He has the intuitive ability to provide just what's needed in connection with any particular creative process and possesses excellent artistic management and operational skills that come from his years of experience.

Many people do not understand that behind every successful advertising campaign and fashion shoot there are creative men and women who are making sure that the business operates efficiently by coordinating different tasks between models, photographers, and managing creative teams. I can honestly say that Mr. Brunel continually proves himself as an extraordinary talent in his field.

I offer an unmitigated endorsement for Mr. Jean Luc Brunel regarding his visa application as a person of extraordinary ability. There is no doubt in my mind that his popularity and ability in the field will only continue to prosper in years to come

Sincerely,

9/16/14

USCIS
Vermont Service Center
75 Lower Welden Street
St. Albans, VT 05479-0001

RE: O-1 Non-immigrant Visa Petition on behalf of Jean Luc Brunel

Dear Sir or Madam:

I write this letter in strong support of Mr. Jean Luc Brunel's application for a non-immigrant visa to this country. I am currently working as an Agent at Two Management in Los Angeles. Based upon my standing in the field of the fashion industry I am frequently called to evaluate the credentials of other professionals in the field. I have been asked to review the professional credentials of Mr. Jean Luc Brunel. It is my professional opinion, based upon my personal and professional knowledge of Mr. Brunel's talents, that Mr. Brunel is an art director of extraordinary ability who ranks among the small percentage of foreign professionals at very top of his field.

I greatly admire Jean Luc Brunel and find it a pleasure to work with such a talented person. Judging by the high profile success of the companies with which he regularly works, clearly I am not the only one who appreciates his talent. His models have appeared in any of the world's most popular publications, reaching literally millions of admirers. He is particularly famous for his work in fashion, advertising and editorial world. His contribution to major clients, such as Calvin Klein, Chanel, Christian Dior have secured him a position as one of the leading high fashion art directors working today. Jean Luc Brunel is the consummate professional when it comes to the art of fashion and his work is often displayed in world's most elite magazines. A true artist, he is committed to the satisfaction of the client on every occasion. Although Mr. Brunel commands the highest compensation for his work, he is well worth the cost.

Mr. Jean Luc Brunel is unquestionably an individual of extraordinary talent, energy, international achievements and acknowledgment. Should you have any questions regarding Mr. Brunel's extraordinary ability, please feel free to contact me.

Thank you for your attention and consideration.

Sincerely,

Luc Brisker

GREGKADELSTUDIOS
[illegible] Broadway 2nd floor new york 10012 t 212.[illegible] 9374
info@[illegible]STUDIOS.com

September 15, 2014

USCIS
Vermont Service Center
75 Lower Welden Street
St. Albans, VT 05479-0001

RE: O-1 Non-Immigrant Visa Petition on behalf of Jean Luc Brunel

Dear Sir or Madam:

This letter is written to support the visa application of Jean Luc Brunel so that he may be accorded O-1 extraordinary ability visa status to continue to expand upon his already outstanding success in the worldwide fashion industry. I am the Production Manager at Greg Kadel Studios, and have worked with such clients as *Vogue Italia*, *Numéro*, *Interview*, *Vogue Germany*, *InStyle* and *Allure*.

Jean Luc Brunel has become increasingly well known in our field as someone who will infallibly manage and direct fashion models for clients, photographers, etc. Mr. Jean Luc Brunel has a trained eye to select the most appropriate models to be used in an advertising campaign, and subsequently has the outstanding ability to manage all stages of the complex process of producing the right model for a job. Therefore, the quality of his work is incredible as he is able to find the most beautiful models. As a result, he is fast becoming one of the professionals of choice for the fashion industry and other creative industries.

In my opinion, Jean Luc Brunel, is clearly an individual of extraordinary ability in the field of art, and the position he will assume in the United States clearly requires an individual of extraordinary ability in this field. Mr. Brunel has been internationally known and recognized for his unique talent and expertise, the models he finds regularly appearing in the most prestigious fashion publications around the world such as *Elle Magazine*, *Cosmopolitan*, Macy's, Nordstrom. Mr. Brunel's contributions to major clients have secured him a position as one of the leading directors and talent coordinators working today. It is also my opinion that the responsibilities and duties of an international art director, who collaborates with the most distinguished magazines and advertising clients, require an individual of extraordinary ability and accomplishments such as Mr. Jean Luc Brunel.

If granted an O-1 visa to work in the United States, Jean Luc Brunel will surely bring his phenomenal talent to the American market.

Please do not hesitate to contact me with any questions.

Sincerely,

Kristen Quaiza
Production Manager

montage
3451 ST. LAURENT #400, MONTREAL, QC TEL: 514 284-4001 FAX: 514 284-3656

USCIS
Vermont Service Center
75 Lower Weldon Street
St. Albans, VT 05479-0001
RE: O-1 Non-Immigrant Visa Petition on behalf of Jean Luc Brunel

Dear Sir or Madam:

My name is Nadia Canova and I am President of Montage Models. I have 30 years of experience and I am constantly in contact with professionals all over the world. A few of my clients include Elle Magazine, Simons, Reitmans, Laura Shop, Ogilvy's, The Bay Stores.....and so on. As such, I am qualified to comment on Mr. Jean Luc Brunel's career as an art director of extraordinary ability.

It is not only because of his acclamations or his impressive body of work that fashion advertising and publishing executives around the world choose to utilize Mr. Brunel's great talent for their renowned accounts. Mr. Jean Luc Brunel is also an absolute expert at furnishing his clients with exactly the image of their desire. My personal appreciation of Mr. Brunel makes it easy for me to comprehend his acclamations. From my standpoint, they are certainly well confirmed. Accordingly, Mr. Brunel is in a position to command sizable compensation for his work as compares to others in the business.

Mr. Brunel's reputation as a formidable artist with a personable demeanor precedes him. He is constantly researching and developing stimulatingly new concepts for his clients and I have come to rely on and trust him and his ability. Over the course of his celebrated career, Jean Luc Brunel has distinguished himself as one of the leading fashion art directors in the industry.
Mr. Jean Luc Brunel enjoys an extraordinary relationship to the aesthetic. This quality manifests itself through the beautiful work he creates, time after time. Therefore, Jean Luc Brunel is clearly one of the most talented professionals working in the world today. I look forward to seeing more of his work in the future.

Sincerely Yours,

Nadia Canova
montage

NORDSTROM

September 17, 2014

USCIS
Vermont Service Center
75 Lower Welden Street
St. Albans, VT 05479-0001

RE: O-1 Non-immigrant Visa Petition on behalf of Jean Luc Brunel

Dear Sir or Madam:

I would like to extend my full and unqualified support for the extraordinary ability O-1 visa petition submitted by Mr. Jean Luc Brunel. As the Senior Talent Producer for Nordstrom, I am qualified to say that Mr. Jean Luc Brunel is an art director and talent coordinator of the highest caliber whose technical excellence and creative vision have lifted him to the top of his profession.

Throughout Mr. Jean Luc Brunel's distinguished career, he has received a highly impressive list of professional honors and achievements. In the past few years, Mr. Brunel has scouted beautiful models that have appeared in a list of acclaimed projects in some of the most eminent publications in the world, which serves as a testament to his talents.

I am a constant witness to the creative and operational skills of many creative direction people, including art directors and talent coordinators. It is therefore my pleasure to recognize the remarkable talent and achievements of Mr. Jean Luc Brunel. He manages to achieve the strongest results from the most carefully developed creative concepts and ideas. It is his very unique ability to communicate, via careful analysis, the intended creative message of his clients. It is clear that Mr. Jean Luc Brunel is talented far beyond the average levels for this industry by the stunning merit with which his work is considered. Indeed, he has worked with some of the best-known retailers, fashion houses, and magazines in the world. It is without a doubt that I place him in the ranks of the very best in his profession.

I can confidently testify that Mr. Jean Luc Brunel's reputation has achieved international stature. He has reached a level where industry leaders now describe him as a "star". Jean Luc Brunel's extraordinary career is at a point where there is no turning back.

Sincerely,

Liza Marlow
Senior Talent Producer
Nordstrom

Nordstrom, Inc.
2001 Michigan St. Seattle, WA 98109
Nordstrom.com

Recommendation Letter

22/09/14

USCIS
Vermont Service Center
75 Lower Welden Street
St. Albans, VT 05479-0001

RE: O-1 Non-immigrant Visa Petition on behalf of Jean Luc Brunel

Dear Sir or Madam:

It is an extreme pleasure to write a letter of recommendation for Mr. Jean Luc Brunel. I provide this recommendation based on my knowledge and experience in the field of modeling, due to my established reputation and work in the field as the Vladimir Yudashkin, director of 1 Mother Agency, Kiev, Ukraine

I have known Jean Luc Brunel professionally for several years through our work together and, in my opinion, he is an extremely talented individual with superb professional reputation. He is an extraordinarily able coordinator who strives for and attains a level of merit in his work that only a few of his contemporaries meet. He has the ability to recognize the creative vision of his client within the time and budget through his careful and thoughtful choice of model casting combined with his meticulous ability in the field. Jean Luc Brunel is a true find in our industry.

There are plenty of art directors out there, but none with the depth and quality that Mr. Brunel possesses. He is unlike anyone in this industry, and I expect to see him continue to find great models in his successful career. Someone overflowing with talent as Jean Luc Brunel should be given every opportunity to work in the United States, where he will have the proper venues to showcase his extraordinary talents.

Please do not hesitate to contact me should you have any questions regarding this matter. Thank you for your time and consideration.

Sincerely,

Vladimir Yudashkin

FIGARO

THE AGENCY OF STRONG WOMEN

Number 08171401
June 17, 2014

Department of Homeland Security
United States Citizenship and Immigration Services
Vermont Service Center
30 Houghton Street
Saint Albans, VT 05478

Dear Sirs

Re: ***O-1 Extraordinary Ability as an Art Director and Talent Coordinator on behalf of Jean-Luc Didier Henri-Rene Brunel***

I relish the opportunity to write this letter in support of Mr. Jean Luc Brunel petition to work as an Art Director and Talent Coordinator in the United States.

As a talent coordinator, Mr. Brunel's success can and should be measured with the successful careers the models, whose careers he launched, have achieved. Mr. Brunel has discovered and represented various super models throughout his career. Christy Turlington, who was discovered by Mr. Brunel, has personified undirected beauty, representing Calvin Klein's fragrances since 1987. Turlington, as well as another model represented by Mr. Brunel, Naomi Campbell, became one of the few supermodels who managed to make an easy transition from the haute couture of the 1980's to the relaxed simplicity of the following decade. Throughout her extensive career, and as a result of Mr. Brunel's "Fashion- Savvy Eye", Christy Turlington has graced the cover of hundreds of fashion magazines, such as Cosmopolitan, W, Vogue, Shape, Fitness, Elle, Bazaar, Marie Claire, Harper's, Esquire, and even Time Magazine.

Mr. Brunel has also launched the extremely successful careers of supermodels such as Rachel Hunter, Sharon Stone, Monica Belucci, Estella Warren, and Christina Semenovskaya. These women all proceeded to become some of the most photographed international cover models in the world, appearing on thousands of magazine covers worldwide and spanning many years. As a result of his reputation as a highly visible, strategic networker who cultivates and conducts business in a global environment and broker lucrative deals, many top players in the fashion and entertainment field requested that Mr. Brunel function as their exclusive agent and representative.

We have had more than gratifying experience working with Mr. Jean Luc Brunel, coordinating big fashion events and the opportunity for him to find top new talents to represent in the United States through our agency.

Please do not hesitate to contact me if you have any questions.

Sincerely

Aika Armentova
Director

MODELWERK

MODELAGENTUR GmbH
ROTHENBAUMCHAUSSEE 1 20148 HAMBURG
TEL: 0049-40-41 79 29 FAX: 0049-40-41 79 10
www.modelwerk.de

Hamburg 8 July, 2014

Department of Homeland Security
United States Citizenship and Immigration Services
Vermont Service Center
30 Houghton Street
Saint Albans, VT 05478

Re: O-1 Extraordinary Ability as an Art Director and Talent Coordinator on behalf of Jean-Luc Didier Henri-Rene Brunel

To Whom It May Concern:

As a President of Modelwerk, this letter is submitted in support of MC2 Models Miami, LLC, on behalf of Mr. Jean Luc Brunel to work as an Art Director and Talent Coordinator.

Mr. Brunel holds an international reputation as a visible, strategic networker who is able to cultivate expert relationship management skills in order to conduct business in a global environment and broker lucrative deals. Mr. Brunel has a long history in marketing and advertising major fashion campaigns. Throughout his twenty-five year career in the fashion business, Mr. Brunel has developed worldwide, exclusive modeling and cosmetic campaigns. Some of these major cosmetic campaigns include: Bio Therm with supermodel Elle McPherson, PHAS with Rebecca Romijn, Christian Dior with Christina Semonnovskaya, Margret Astor with Monica Bellucci, Chanel with Patricia Von Rickenheim, Angel Perfume with Thierry Mugler, and Cacharel Perfume with Alda Ballestra. Mr. Brunel has also developed major fashion campaigns and has developed campaigns and exclusive contracts with some of the world's top fashion designers such as

Yves Saint Laurent, Chanel, Christian Dior, Gucci, Prada, and Marc Jacobs.

In addition to Mr. Jean Luc Brunel's extensive business qualifications, his career as an individual with artistic vision and creative talents has helped him find top fashion models to represent in the United States.

Should you have any questions about Mr. Jean Luc Brunel qualifications feel free to contact me.

Sincerely,

Claudia Midolo
President
Modelwerk Modelagentur GmbH

Natalie
MODELU AGENTŪRA

July 8, 2014

Department of Homeland Security
United States Citizenship and Immigration Services
Vermont Service Center
30 Houghton Street
Saint Albans, VT 05478

Re: O-1 Extraordinary Ability as an Art Director and Talent Coordinator on behalf of Jean-Luc Didier Henri-Rene Brunel

To Whom It May Concern:

As a President of Natalie Model Management, this letter is submitted in support of MC2 Models Miami, LLC. on behalf of Mr. Jean Luc Brunel to work as an Art Director and Talent Coordinator.

Mr. Brunel holds an international reputation as a visible, strategic networker who is able to cultivate expert relationship management skills in order to conduct business in a global environment and broker lucrative deals. Mr. Brunel has a long history in marketing and advertising major fashion campaigns. Throughout his twenty-five year career in the fashion business, Mr. Brunel has developed worldwide, exclusive modeling and cosmetic campaigns. Some of these major cosmetic campaigns include: Elo Therm with supermodel Elle McPherson, PHAS with Rebecca Romijn, Christian Dior with Christina Semonnovskaya, Margret Astor with Monica Bellucci, Chanel with Patricia Von Ritzenheim, Angel Perfume with Thierry Mugler, and Cacharel Perfume with Alda Ballestra. Mr. Brunel has also developed major fashion campaigns and has developed campaigns and exclusive contracts with some of the world's top fashion designers such as Yves Saint Laurent, Chanel, Christian Dior, Gucci, Prada, and Marc Jacobs.

SIA "Agentura NATALIE" Gertrudes iela 22/2, Rīga, LV 1011, Latvija
Tālr.: +371 731 2154, fakss: +371 731 2438, e pasts: natalie@apollo.lv, www.nataliemodels.com
Reģ. Nr. LV40003326241, AS PARLEGAS BANKA, kods PARULV22, konts LV36 PARX 0000 2000 8101 9

In addition to Mr. Jean Luc Brunel's extensive business qualifications, his career as an individual with artistic vision and creative talents has helped him find top fashion models to represent in the United States.

Should you have any questions about Mr. Jean Luc Brunel qualifications feel free to contact me.

Sincerely,

Erik Maksans

FP

Milan, September 17th, 2014

USCIS
Vermont Service Center
75 Lower Welden Street
St. Albans, VT 05479-0001

RE: O-1 Non-immigrant Visa Petition on behalf of Jean Luc Didier Henri-Rene Brunel

I write this letter in strong support of Mr. Jean Luc Brunel's application for a non-immigrant visa to this country. I am currently Amministratore Unico in Studio Fp. I have been asked to review the professional credentials of Ms. Brunel, and it is my professional opinion that Ms. Brunel is an Art Director and Talent Coordinator of extraordinary ability who ranks among the small percentage of foreign people at very top of his field.

I have seen first-hand Mr. Jean Luc's special expertise in the field, including casting, production, coordination, and art direction for shoots. Mr. Brunel is considered by those in our industry to be an extraordinary creative director talent, particularly for the fashion and related industries. In my personal dealings with Mr. Jean Luc Brunel, I found him to be thoroughly professional and capable of being utilised in connection with a wide range of creative subject matter on any assignment. He has the intuitive ability to provide just what's needed in connection with any particular creative process and possesses excellent artistic management and operational skills that come from his years of experience.

Many people do not understand that behind every successful advertising campaign and fashion shoot there are creative men and women who are making sure that the business operates efficiently by coordinating different tasks between models, photographers, and managing creative teams. I can honestly say that Mr. Brunel continually proves himself as an extraordinary talent in his field.

I offer an unmitigated endorsement for Mr. Jean Luc Brunel regarding his visa application as a person of extraordinary ability. There is no doubt in my mind that his popularity and ability in the field will only continue to prosper in years to come

Sincerely,

2M M2

9/16/14

USCIS
Vermont Service Center
75 Lower Welden Street
St. Albans, VT 05479-0001

RE: O-1 Non-immigrant Visa Petition on behalf of Jean Luc Brunel

Dear Sir or Madam

I write this letter in strong support of Mr. Jean Luc Brunel's application for a non immigrant visa to this country. I am currently working as an Agent at Two Management in Los Angeles. Based upon my standing in the field of the fashion industry I am frequently called to evaluate the credentials of other professionals in the field. I have been asked to review the professional credentials of Mr. Jean Luc Brunel. It is my professional opinion, based upon my personal and professional knowledge of Mr. Brunel's talents, that Mr. Brunel is an art director of extraordinary ability who ranks among the small percentage of foreign professionals at very top of his field.

I greatly admire Jean Luc Brunel and find it a pleasure to work with such a talented person. Judging by the high profile success of the companies with which he regularly works, clearly I am not the only one who appreciates his talent. His models have appeared in any of the world's most popular publications, reaching literally millions of admirers. He is particularly famous for his work in fashion, advertising and editorial world. His contribution to major clients, such as Calvin Klein, Diesel, Christian Dior have secured him a position as one of the leading high fashion art directors working today. Jean Luc Brunel is the consummate professional when it comes to the art of fashion and his work is often displayed in world's most elite magazines. A true artist, he is committed to the satisfaction of the client on every occasion. Although Mr. Brunel commands the highest compensation for his work, he is well worth the cost.

Mr. Jean Luc Brunel is unquestionably an individual of extraordinary talent, energy, international achievement and acknowledgment. Should you have any questions regarding Mr. Brunel's extraordinary ability, please feel free to contact me.

Thank you for your attention and consideration.

Sincerely,

Luc Brinker

GREGKADELSTUDIOS
[illegible] Broadway 3rd floor new york 10012 t 212.219 0074
info@[illegible]KADELSTUDIOS.com

September 15, 2014

USCIS
Vermont Service Center
75 Lower Welden Street
St. Albans, VT 05479-0001

RE: O-1 Non-Immigrant Visa Petition on behalf of Jean Luc Brunel

Dear Sir or Madam:

This letter is written to support the visa application of Jean Luc Brunel so that he may be accorded O-1 extraordinary ability visa status to continue to expand upon his already outstanding success in the worldwide fashion industry. I am the Production Manager at Greg Kadel Studios, and have worked with such clients as *Vogue Italia*, *Numéro*, *Interview*, *Vogue Germany*, *InStyle* and *Allure*.

Jean Luc Brunel has become increasingly well known in our field as someone who will infallibly manage and direct fashion models for clients, photographers, etc. Mr. Jean Luc Brunel has a trained eye to select the most appropriate models to be used in an advertising campaign, and subsequently has the outstanding ability to manage all stages of the complex process of producing the right model for a job. Therefore, the quality of his work is incredible as he is able to find the most beautiful models. As a result, he is fast becoming one of the professionals of choice for the fashion industry and other creative industries.

In my opinion, Jean Luc Brunel, is clearly an individual of extraordinary ability in the field of art, and the position he will assume in the United States clearly requires an individual of extraordinary ability in this field. Mr. Brunel has been internationally known and recognized for his unique talent and expertise, the models he finds regularly appearing in the most prestigious fashion publications around the world such as *Elle Magazine*, *Cosmopolitan*, Macy's, Nordstrom. Mr. Brunel's contributions to major clients have secured him a position as one of the leading directors and talent coordinators working today. It is also my opinion that the responsibilities and duties of an international art director, who collaborates with the most distinguished magazines and advertising clients, require an individual of extraordinary ability and accomplishments such as Mr. Jean Luc Brunel.

If granted an O-1 visa to work in the United States, Jean Luc Brunel will surely bring his phenomenal talent to the American market.

Please do not hesitate to contact me with any questions.

Sincerely,

Kristen Quinn
Production Manager

montage
3451 ST LAURENT #400, MONTREAL, QC TEL 514 284-9011 FAX 514 284 3666

USCIS
Vermont Service Center
75 Lower Welden Street
St. Albans, VT 05479-0001
RE: O-1 Non-Immigrant Visa Petition on behalf of Jean Luc Brunel

Dear Sir or Madam:

My name is Nadia Canova and I am President of Montage Models. I have 30 years of experience and I am constantly in contact with professionals all over the world. A few of my clients include Elle Magazine, Simons, Reitmans, Laura Shop, Ogilvy's, The Bay Stores.....and so on. As such, I am qualified to comment on Mr. Jean Luc Brunel's career as an art director of extraordinary ability.

It is not only because of his acclamations or his impressive body of work that fashion advertising and publishing executives around the world choose to utilize Mr. Brunel's great talent for their renowned accounts. Mr. Jean Luc Brunel is also an absolute expert at furnishing his clients with exactly the image of their desire. My personal appreciation of Mr. Brunel makes it easy for me to comprehend his acclamations. From my standpoint, they are certainly well confirmed. Accordingly, Mr. Brunel is in a position to commend sizable compensation for his work as compared to others in the business.

Mr. Brunel's reputation as a formidable artist with a personable demeanor precedes him. He is constantly researching and developing stimulatingly new concepts for his clients and I have come to rely on and trust him and his ability. Over the course of his celebrated career, Jean Luc Brunel has distinguished himself as one of the leading fashion art directors in the industry.
Mr. Jean Luc Brunel enjoys an extraordinary relationship to the aesthetic. This quality manifests itself through the beautiful work he creates, time after time. Therefore, Jean Luc Brunel is clearly one of the most talented professionals working in the world today. I look forward to seeing more of his work in the future.

Sincerely Yours,

Nadia Canova
montage

NORDSTROM

September 17, 2014

USCIS
Vermont Service Center
75 Lower Welden Street
St. Albans, VT 05479-0001

RE: O-1 Non-immigrant Visa Petition on behalf of Jean Luc Brunel

Dear Sir or Madam:

I would like to extend my full and unqualified support for the extraordinary ability O-1 visa petition submitted by Mr. Jean Luc Brunel. As the Senior Talent Producer for Nordstrom, I am qualified to say that Mr. Jean Luc Brunel is an art director and talent coordinator of the highest caliber whose technical excellence and creative vision have lifted him to the top of his profession.

Throughout Mr. Jean Luc Brunel's distinguished career, he has received a highly impressive list of professional honors and achievements. In the past few years, Mr. Brunel has scouted beautiful models that have appeared in a list of acclaimed projects in some of the most eminent publications in the world, which serves as a testament to his talents.

I am a constant witness to the creative and operational skills of many creative direction people, including art directors and talent coordinators. It is therefore my pleasure to recognize the remarkable talent and achievements of Mr. Jean Luc Brunel. He manages to achieve the strongest results from the most carefully developed creative concepts and ideas. It is his very unique ability to communicate, via careful analysis, the intended creative message of his clients. It is clear that Mr. Jean Luc Brunel is talented far beyond the average levels for this industry by the stunning merit with which his work is considered. Indeed, he has worked with some of the best-known retailers, fashion houses, and magazines in the world. It is without a doubt that I place him in the ranks of the very best in his profession.

I can confidently testify that Mr. Jean Luc Brunel's reputation has achieved international stature. He has reached a level where industry leaders now describe him as a "star". Jean Luc Brunel's extraordinary career is at a point where there is no turning back.

Sincerely,

Liza Mesiger
Senior Talent Producer
Nordstrom

Nordstrom, Inc.
2001 Michigan Ave. Seattle, WA 98134
Nordstrom.com

Recommendation Letter

22/09/14

USCIS
Vermont Service Center
75 Lower Welden Street
St. Albans, VT 05479-0001

RE: O-1 Non-immigrant Visa Petition on behalf of Jean Luc Brunel

Dear Sir or Madam:

It is an extreme pleasure to write a letter of recommendation for Mr. Jean Luc Brunel. I provide this recommendation based on my knowledge and experience in the field of modeling, due to my established reputation and work in the field as the Vladimir Yudashkin, director of 1 Mother Agency, Kiev, Ukraine

I have known Jean Luc Brunel professionally for several years through our work together and, in my opinion, he is an extremely talented individual with superb professional reputation. He is an extraordinarily able coordinator who strives for and attains a level of merit in his work that only a few of his contemporaries meet. He has the ability to recognise the creative vision of his client within the time and budget through his careful and thoughtful choice of model casting combined with his meticulous ability in the field. Jean Luc Brunel is a true find in our industry.

There are plenty of art directors out there, but none with the depth and quality that Mr. Brunel possesses. He is unlike anyone in this industry, and I expect to see him continue to find great models in his successful career. Someone overflowing with talent as Jean Luc Brunel should be given every opportunity to work in the United States, where he will have the proper venues to showcase his extraordinary talents.

Please do not hesitate to contact me should you have any questions regarding this matter. Thank you for your time and consideration.

Sincerely,

Vladimir Yudash

FIGARO

THE AGENCY OF STRONG MODELS

Number: 0517101
June 17, 2014

Department of Homeland Security
United States Citizenship and Immigration Services
Vermont Service Center
30 Houghton Street
Saint Albans, VT 05478

Dear Sirs

Re: *O-1 Extraordinary Ability as an Art Director and Talent Coordinator on behalf of Jean-Luc Didier Henri-Rene Brunel*

I relish the opportunity to write this letter in support of Mr. Jean Luc Brunel petition to work as an Art Director and Talent Coordinator in the United States.

As a talent coordinator, Mr. Brunel's success can and should be measured with the successful careers the models, whose careers he launched, have achieved. Mr. Brunel has discovered and represented various super models throughout his career. Christy Turlington, who was discovered by Mr. Brunel, has personified unaffected beauty, representing Calvin Klein's fragrances since 1987. Turlington, as well as another model represented by Mr. Brunel, Naomi Campbell, became one of the few supermodels, who managed to make an easy transition from the haute glamour of the 1980's to the relaxed simplicity of the following decade. Throughout her extensive career and as a result of Mr. Brunel's "Fashion- Savvy Eye", Christy Turlington has graced the covers of hundreds of fashion magazines such as Cosmopolitan, W, Vogue, Shape, Fitness, Elle, Bazaar, More, Claire, Harper's, Esquire, and even Time Magazine.

Mr. Brunel has also launched the extremely successful careers of supermodels such as Rachel Hunter, Sharon Stone, Monica Bellucci, Estella Warren, and Christina Semonnovskaya. These women all proceeded to become some of the most photographed international cover models in the world, appearing on thousands of magazine covers worldwide and sparking many wish. As a result of his reputation as a highly visible, strategic networker who cultivates and conducts business in a global environment and broker lucrative deals, many top players in the fashion and entertainment field requested that Mr. Brunel function as their exclusive agent and representative.

We have had more than gratifying experience working with Mr. Jean Luc Brunel, coordinating big fashion events and the opportunity for him to find top new talents to represent in the United States through our agency.

Please do not hesitate to contact me if you have any questions.

Sincerely

Aida Amantova
Director

MODELWERK

MODELAGENTUR GmbH
ROTHENBAUMCHAUSSEE 1 20148 HAMBURG
TEL.: 0049-40-41 79 29 FAX: 0049-40-41 79 19
www.modelwerk.de

Hamburg 8 July, 2014

Department of Homeland Security
United States Citizenship and Immigration Services
Vermont Service Center
30 Houghton Street
Saint Albans, VT 05478

Re: O-1 Extraordinary Ability as an Art Director and Talent Coordinator on behalf of Jean-Luc Didier Henri-Rene Brunel

To Whom It May Concern

As a President of Modelwerk, this letter is submitted in support of MC2 Models Miami, LLC, on behalf of Mr. Jean Luc Brunel to work as an Art Director and Talent Coordinator.

Mr. Brunel holds an international reputation as a visible, strategic networker who is able to cultivate expert relationship management skills in order to conduct business in a global environment and broker lucrative deals. Mr. Brunel has a long history in marketing and advertising major fashion campaigns. Throughout his twenty-five year career in the fashion business, Mr. Brunel has developed worldwide, exclusive modeling and cosmetic campaigns. Some of these major cosmetic campaigns include: Bio Therm with supermodel Elle McPherson, PHAS with Rebecca Romijn, Christian Dior with Christina Semonnovskaya, Margret Astor with Monica Bellucci, Chanel with Patricia Von Rickenheim, Angel Perfume with Thierry Mugler, and Cacharel Perfume with Alda Ballestra. Mr. Brunel has also developed major fashion campaigns and has developed campaigns and exclusive contracts with some of the world's top fashion designers such as

Yves Saint Laurent, Chanel, Christian Dior, Gucci, Prada, and Marc Jacobs.

In addition to Mr. Jean Luc Brunel's extensive business qualifications, his career as an individual with artistic vision and creative talents has helped him find top fashion models to represent in the United States.

Should you have any questions about Mr. Jean Luc Brunel qualifications feel free to contact me.

Sincerely,

Claudia Midolo
President
Modelwerk Modelagentur GmbH

Natalie

MODELU AGENTŪRA

July 8, 2014

Department of Homeland Security
United States Citizenship and Immigration Services
Vermont Service Center
30 Houghton Street
Saint Albans, VT 05478

Re: O-1 Extraordinary Ability as an Art Director and Talent Coordinator on behalf of Jean-Luc Didier Henri-Rene Brunel

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SIA "Aģentūra NATALIE" Gertrūdes iela 27/2, Rīga, LV-1011, Latvija
Tālr.: + 371 731 2194, faksa: + 371 731 2438, e-pasts: natalie@apollo.lv, www.natalie-models.com
Reg. Nr. LV40003326241, A/S PARESS BANKA, kods: PARXLV22, konts: LV36 PARX 0000 2000 8101 9

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Should you have any questions about Mr. Jean Luc Brunel qualifications feel free to contact me.

Sincerely,

Erik Meisons

Vermont Service Center
Attn: Premium Processing Unit
30 Houghton Street
St. Albans, Vermont 05478-2399

Facsimile Transmission

To:	LUIS FONT	**Fax Number:**	19542414272
Number of pages including cover:		**Date:**	September 5, 2014
From:	Vermont Service Center – Premium Processing Unit	**Fax Number:**	802-288-1778
Email:	VSC PREMIUM PROCESSING@DHS GOV	**Phone:**	1-866-315-5718
Receipt Number:			

Attached you will find a copy of our decision concerning your case

The original decision will follow via mail If eligible to appeal our decision appeal forms will be included

ImportantImportant***Important***Important***

If responding to a Request for Evidence or Intent to Deny, ensure you include a copy of the decision immediately following your cover page and indicate the total number of pages included with your response Please include the case receipt number (e g EAC01 000 12345) with all correspondence

Ensure when responding to this request that you fax your response to our **NEW FAX NUMBER - 802-288-1778**

If you wish to mail a response, it must be sent to the VSC Premium Processing Unit at 30 Houghton Street, St Albans, VT 05478-2399 Do not send your response to the 75 Lower Welden Street address, as that will cause delays and will not restart the premium processing clock until the response is identified as a premium processing case

Title 8 CFR Section 103 2(b)(11) Submission of evidence in response to a Service request states

All evidence submitted in response to a Service request must be submitted at one time The submission of only some of the requested evidence will be considered a request for a decision based on the record

This communication is intended for the sole use of the individual to whom it is addressed and may contain information that is privileged confidential and exempt from disclosure under applicable law If the reader of this communication is not the intended recipient or the employee or agent for delivering the communication to the intended recipient you are hereby notified that any dissemination distribution or copying of this communication may be strictly prohibited If you received this communication in error please notify the sender immediately by telephone and return the communication at the address above via United States Postal Service Thank you

Applicant/Petitioner A #	Application/Petition Petition For A Nonimmigrant Worker (form I129)
Notice Date August 26, 2014	Response due by November 21, 2014

MC2 MODELS MIAMI LLC
LUIS FONT
FONT LAW GROUP PA
5440 HOLLYWOOD BLVD STE 413
HOLLYWOOD FL 33021

EAC1422550803
EAC1422550803

Applicant/Petitioner
MC2 MODELS MIAMI LLC
Beneficiary
BRUNEL JEAN LUC
Receipt Number
EAC1422550803(I129)

PREMIUM PROCESSING

IMPORTANT THIS NOTICE CONTAINS YOUR UNIQUE NUMBER AND MUST BE SUBMITTED IN THE ORIGINAL WITH THE REQUESTED EVIDENCE

1 U S Citizenship and Immigration Services (USCIS) requires additional evidence to process your form Please provide the evidence listed on the attached page(s) For Form I-129 only, if you are requesting consulate embassy notification, provide the requested evidence in duplicate

2 Your response must be received in this office on or before November 21 2014 Please note the required deadline for providing a response to this Request for Evidence The deadline reflects the maximum period for responding to this RFE However, since many immigration benefits are time sensitive, you are encouraged to respond to this request as early as possible but no later than the date provided on the request You will not be granted an extension of time to submit the requested evidence

3 You must submit all requested evidence at the same time If you submit only some of the requested evidence, USCIS will consider it a request for a decision on the record [8 CFR 103 2(b)(11)]

4 You will be notified separately about any other applications or petitions you have filed

5 From the date this office receives your resubmission, a minimum of 14 days will be required to process your form If you have not heard from USCIS within 30 days, you may contact this office at (866) 315-5718

6 Mail this notice and your response to

VSC Premium Processing
Vermont Service Center
30 Houghton Street
St Albans VT 05478-2399
vsc-premium processing@dhs gov

EAC14225508 03 (I129)

Responses (for Premium Processing cases only) may be faxed to (802) 288-1778 Include a copy of this notice The e mail address may only be used for inquiries Do not send responses to the e mail address

I-129 O-1B Extraordinary Ability in the Arts

You MC2 Models Miami LLC filed Form I 129 Petition for Nonimmigrant Worker seeking O-1B nonimmigrant classification for Jean Luc Brunel as an Art Director / Talent Coordinator

The O 1B classification applies to individuals with extraordinary ability in the arts The individual must have sustained national or international acclaim His or her achievements must be in the field of expertise and show a record of prominence in his or her field

To process your petition and determine if the beneficiary is eligible additional information is required This request provides suggested evidence that you may submit to satisfy each requested item You may

- Submit one some or all of these items
- Submit none of the suggested items and instead submit other evidence to satisfy the request
- Explain how the evidence in the record already establishes eligibility
- Request a decision based on the record

Note, however, that you are responsible for providing evidence that best shows that you and the parties to this petition meet all requirements Evidence must show that all parties were eligible for the requested benefit when you filed Form I 129

General Requirements for All O Nonimmigrant Petitions

In general petitions seeking O nonimmigrant classification must include

- Copies of contracts
- A description of the competition(s) event(s) or performance(s) and
- At least one consultation

To satisfy these requirements you submitted

- Your letter in support of the petition and
- Peer letters in support of the beneficiary from Claudia Midolo and Alla Amantova

Beneficiary s Previous O-1 Status
Petitions involving an extension of status for a beneficiary that has previously been granted O 1 nonimmigrant status may be given deference however U S Citizenship and Immigration Services (USCIS) is authorized to question extension petitions when a substantial change in circumstances occurs when relevant facts change from one petition to another or when the prior approval may have been based on gross USCIS error

You indicate that the beneficiary was previously granted O-1 nonimmigrant status with your company The details of the beneficiary s previous employment with your company are not documented in the instant petition A review of the evidence submitted indicates that if the beneficiary s role within your organization has remained unchanged the previous petition may have been approved in error as the list of duties you provided do not appear to describe a

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EAC1422550803(I129)

position in the arts

In addition no evidence has been submitted to support your claim that the beneficiary is an individual who has extraordinary ability in the arts that has been demonstrated by sustained national or international acclaim You have documented the beneficiary s past success in the business of forming and operation modeling agencies but this evidence points to the beneficiary s ability on the field of business not the arts Therefore you are asked to comply with the following

Contracts
Petitions seeking O nonimmigrant classification must include a copy of a contract between the beneficiary and either the petitioner or the employer If a written contract does not exist you may submit a detailed summary of the terms of the oral agreement between the beneficiary and either the petitioner or the employer

You did not submit any evidence for this requirement You may still submit evidence to satisfy it

Written contracts or the summary of the terms of an oral agreement must specify the terms and conditions of the employment or services They must

Specify the wage offered and explain the terms and conditions under which the beneficiary will perform these services, and
- Detail any additional services provided

Nature of the Event or Engagement
You must provide an explanation of the competition event or performance in which the beneficiary will participate An event means an activity such as a scientific project conference convention lecture series academic year or engagement during the requested validity period

The description you submitted is insufficient In your letter you list the duties of the proffered position as

- Responsible for overseeing the artistic aspects of the agency (select the images placed on the models business cards and in their portfolios)
  - Coordinate the pairing of models with photographers
  - Direct the marketing of models to clients
  - Travel around the world to discover new talent and to sign them with MC2 Models and
  - Establish relationships with agencies around the world and negotiate representation agreements

The duties you describe appear to relate exclusively to the maintenance of business operations of a modeling agency As previously stated you have documented the beneficiary s past success in forming and operating modeling agencies however this evidence points to the beneficiary s ability in the field of business not the arts It is not evident therefore that the O 1B nonimmigrant classification is appropriate in the instant case

Regulations define the "arts" as any field of creative activity or endeavor such as but not limited to fine arts visual arts culinary arts and performing arts Aliens engaged in the field of arts include not only the principal creators and performers but other essential persons such as but not limited to directors set designers lighting designers sound designers choreographers choreologists conductors orchestrators coaches arrangers musical supervisors costume

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EAC1422550803(I129)

designers makeup artists flight masters, stage technicians, and animal trainers

The duties you describe correspond to business and management functions not to a position in the arts Before adjudication of your petition can proceed this discrepancy must be resolved

You may still submit evidence to satisfy this requirement

The description must include

- An explanation of the nature of the events or activities,
  Beginning and ending dates of the events or activities, and
- A copy of any itinerary that shows dates name(s) of the employer(s) and location of the event(s)

You must establish that the proffered position qualifies as a position in the arts as described above Any and all claims must be fully supported by documentary evidence

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FONT LAW GROUP, P.A.
3440 Hollywood Boulevard, Suite 415
Hollywood, FL 33021
Tel.: (954) 241-4271 Fax: (954) 241-4272

November 3, 2014

Director
United States Citizenship& Immigration Services
Vermont Service Center
75 Lower Welden Street
Saint Albans, VT 05479

RE: **NOTIFICATION OF WITHDRAWAL OF I-129 PETITION WITHOUT PREJUDICE BY PETITIONER**
EAC-14-225-50803
Petitioner: MC2 MODELS MIAMI LLC
Beneficiary: JEAN LUC DIDIER HENRI RENE BRUNEL

Dear Sir/Madam:

Please be advised that this office represents the above referenced petitioner and beneficiary in this immigration matter and a G-28 from our office is on file.

THE PETITIONER, MC2 MODELS MIAMI LLC HEREBY NOTIFIES USCIS THAT IT WISHES TO WITHDRAW I-129 O-1 PETITION #EAC-14-225-50803. The petitioner requests withdrawal of this I-129 petition without prejudice. Please note this request for the record in the above referenced case.

We respectfully request that you send us verification of this withdrawal pursuant to the regulations contained in 8 C.F.R. Sec. 103.2 (b) (15).

Kindly send our office a written verification of this withdrawal located at:

Font Law Group, P.A.
3440 Hollywood Boulevard, Suite 415
Hollywood, FL 33021

Thank you for your attention to this matter.

Sincerely,

Luis Font, Esq.
Attorney-of-Record

------ Original message ------
From: Jeff Fuller
Date:11/12/2014 11:49 (GMT-05:00)
To: Jean Luc Brunel
Subject: RE: New York

Jean Luc,

I am really sorry you feel so bad and I know it has been a mental and psychological frustration. As you know I chose to partner with you due to your reputation in the business for being a top scout and developing a couple world class agencies in the past. I knew what you could bring and I knew what I could bring and contribute and I thought it would be a great partnership. Clearly, I never expected to have the level of challenges we have had recruiting new models over the last several years. I could have never foreseen the problem of your friendship with Jeffrey Epstein turning into the situation it has where you are seen as guilty by association when you have never done anything or even been convicted of a crime. Frankly, I don't understand the necessity for Conchita Sarnoff or anyone else to continue to defame your name and MC2 by association.

It is true that we constantly have to justify ourselves when recruiting new models. The industry is extremely competitive and as a parent myself if faced by the same information and having to make a tough decision between too agencies I would not pick MC2 if I saw the article online about you. You have to read closely to see there is not a charge against you but the implication is strong and of course now days everyone believes everything they read online even more than the traditional newspapers of the past.

I know you are now feeling like a liability to MC2. But you personally are not a liability to MC2 but this published information online is a liability. We are not a large enough company, nor do we have the capacity to fight this on a global level. On a google search in America we have put enough information online to not have it popping up so blatantly but we have no controls over the rest of the world or the finances to control this situation and we are affected as every major model agency recruits it's best models from all the various countries abroad. This has stunted our growth and our billing over the past 6 or 7 years. In fact, we do not even know who avoids us based on finding this information. I have been surprised how challenging it is for us to grow due to this problem.

I have also had a tremendous amount of worries from our clients that we are vendors for that are large American corporations likes Kohls, JC Penney, Sears, Nordstrom, Target, Neiman Marcus, Macys, Saks, Belk, and so forth that require vendor agreements and for us to be considered an upstanding company. It really worries me as some of those companies have disassociated themselves from what

EXHIBIT K

they believe to be questionable companies. So far that has not been a problem but it could come up in the future.

The fact that you are requested for so many scouting events in various countries and cannot promote yourself properly to promote MC2 in the press due this problem has it's own sent of repercussions in terms of our global branding. In short, it has had a terrible effect on MC2 all around. I really urge you to solve this problem and get this removed from the internet so we can grow for the future. I've fought for MC2 and been extremely loyal but I must confess that I have even been feeling inadequate and questioning my ability as the leader of the organization. I can only attribute the fact that we have scraped by in the recession and barely survived in the past to your hard work, my hard work, and the tenacity of both of us combined.

I can only imagine that if I am feeling inadequate and frustrated over a lack of growth of our company that you must feel even worse as you have had much greater success in your career and have operated at much higher standards in our industry in all areas from reputation, respect, admiration and monetary gains. I can even surmise you are probably feeling a level of depression and I have seen it in your highs and lows and when you have voiced your frustration. While I know you well and recognize you don't really go for the kind of advice I will offer; however, I think you should at least speak to someone neutral such as a therapist or a counselor to let your frustrations out and if you don't feel better and are still feeling down or depressed to see a medical doctor for your condition. You are such a positive person I hate to see you fighting what you feel is a hopeless battle. It is not hopeless you just need find a way to get that information offline and begin to repair your reputation. In the end I am afraid the damages are a lot more than you realize but let's keep fighting and moving forward as we have no choice.

Thanks,

Jeff

Jeff Fuller

President

MC2 Model Management USA

EXHIBIT K

FROM: JACQUIE JOHNSON <JJOHNSON@RRA-LAW.COM>
DATE: SEPTEMBER 18, 2009 3:57:44 PM EDT
TO: "'TAMA@TKUDMANLAW.COM'" <TAMA@TKUDMANLAW.COM>
CC: "BRADLEY J. EDWARDS" <BEDWARDS@RRA-LAW.COM>
SUBJECT: EPSTEIN - DEPO OF JEAN LUC BRUHNEL

We have confirmation for Mr. Bruhnel's deposition on 11/3. We will commence at 10:00 a.m. if that is ok with you.

Jacquie Johnson
Legal Assistant to
Brad Edwards, Esq.
Partner
Rothstein Rosenfeldt Adler
401 East Las Olas Blvd.
Suite 1650
Fort Lauderdale, FL 33301
Telephone 954 315 7264
Fax 954 527 8663
Jjohnson@rra-law.com

EXHIBIT L

-----Original Message----
From: Tama Beth Kudman <tama@tkudmanlaw.com>
Date: Monday, November 16, 2009 at 7:48 PM
To: Jean Luc Brunel <2jeanluc@gmail.com>
Subject: Re: Hi

>All depos are cancelled for now. A letter confirming this is being
>Sent out today. We have no idea how long this shall delay things. I'll
>let Michael know.
>
>Sent from my iPhone
>Tama Beth Kudman

EXHIBIT M

From: "Dr. Royce Jalazo" <dynamicbeh@gmail.com>
To: joetitone708@comcast.net
Sent: Tuesday, December 23, 2014 2:40:59 PM
Subject: Jean Luc Brunel

Mr. Titone,

Please accept this email as my formal notification that Mr. Jean Luc Brunel attending an outpatient individual psychotherapy session with me on 12/12/14.

Thank you,
--
Royce N. Jalazo, Psy.D.
Licensed Psychologist

Dynamic Behavioral Consulting
a DBA of Dr. Royce Jalazo, P.A.
1975 E. Sunrise Blvd., Suite 532
Ft. Lauderdale, FL 33304

Direct (With Voicemail): 954-232-7092
Toll Free Fax: 888-236-6979 or 954-208-3400

E-mail: DynamicBeh@gmail.com
Website: www.DynamicBeh.com

EXHIBIT N

DYNAMIC BEHAVIORAL CONSULTING

Psychotherapy · Evaluations / Consultations

Client Progress / International Notation
Dynamic Behavioral Consulting
1975 E. Sunrise Blvd, Suite 532
Ft. Lauderdale, Florida 33304-1413

Client: Joshua Brand
Service: ☒ Individual Session ☐ Family Session
Session #:

Date: 12/12/14 M T W TH FR SA SU
Time: 3:15 a.m. / p.m. 4:05 a.m. / p.m.
Duration: 50 minutes
☒ face-to-face ☐ telephonic

Hyperverbal in his speech, hyperverbal, tangentials, very dramatic, jumps from topic to topic

MOOD, (as client reported/observed)			
☐ Calm/Euthymic	☐ Cheerful/Happy	☒ Irritable/Angry	☐ brooding
☒ Fearful/Anxious	☐ Depressed/Sad	☒ Tearful	☐ Other:
☐ Hopeless	☐ Pessimistic	☐ Neutral	
☐ Other, explain:			
AFFECT, (check one)			
☐ Appropriate	☐ Inappropriate	☐ Labile	☒ Dramatized
☐ Blunted / Restricted	☐ Flat	☐ Slightly Intense	☐ Unknown (telephonic session)

Oscillation between cheerful (crack jokes) to irritable statements

SESSION CONTENT:
Mr. Joshua Brand is a 68-year old married Parisian-American who is seeking therapy due to a subjective sense of depression as well as what he believes is a lack of success in his work life, apparently as a result of a lawsuit published against his business. Mr. Brand reports that in 2010 a lawsuit was reported of a sexual offense (having sexual relations with an underage girl) and that he spent 18 months in jail 3 times, a local journalist began publishing a story without that this company, MCC was involved in sex trafficking an allegation that he vehemently denies. Patient reports depressed mood of 6-7 on scale of 0-10 with 10 representing most severe, reports sleep disturbance but able to maintain sleep with sleep aids.

PSYCHOTROPIC MEDICATION: (circle and check all that apply)

Was patient referred for psychiatric evaluation by undersigned and/or prescribed psychotropic medications by a psychiatrist but is presently non-compliant? ☐ Y ☐ N Comment:
Is patient current taking psychotropic medications: ☐ Y ☐ N Type / Dosage:
Compliant as prescribed? ☐ N/A ☐ Y ☐ N Comment:

MOTIVATION FOR TREATMENT/CHANGE:
☐ Highly motivated ☐ Reasonably motivated ☐ Poorly motivated ☐ Unmotivated

DISPOSITION:
☐ Continue Treatment ☐ Termination of Treatment ☐ Refer to psychiatrist / other provider / Reason:
☐ Other:

Personality Disorder, Unspecified
Adjustment Disorder with Depressed and Anxious Moods.

Royce N. Alazo, Psy.D.
Licensed Psychologist SPY 7671

EXHIBIT O

COMPOSITE EXHIBIT P – MEDICAL HISTORY

MEDICAL CERTIFICATE

BNH HOSPITAL
HOSPITAL SINCE 1888 (Suthorn - Convent)
โรงพยาบาลบีเอ็นเอช

แผนกผู้ป่วยนอก / OPD

ใบเสร็จรับเงิน/Receipt

ชื่อ / Patient Name: MR. JEAN - LUC BRUNEL
เลขประจำตัวผู้ป่วย / HN: 09-10-010876
ห้องตรวจ / Department:
วันที่ตรวจล่าสุด / Visit Date: 02/12/2014 - 1:27PM

เลขที่ใบเสร็จ / Receipt No.: 09-RG14256417
วันที่ / Date: 02/12/2014
เลขที่ใบนัด / VN.: 1248
เวลา / Time: 1:58PM

รายการ Description	จำนวนเงิน Amount	ส่วนลด Discount	คงเหลือ Net Amount
Drugs and Parenteral Nutrient 1.1.1			
Medicative 1.1.1	1,480.00	0.00	1,480.00
Packaged Medical Charge 1.1.14			
Other Medical Service Charges 1.1.14(2)	200.00	0.00	200.00
Physicum Evaluation 1.2.1			
Physician Evaluation 1.2.1	800.00	0.00	800.00
รวมทั้งสิ้น Total Amount in Baht	4,480.00	0.00	4,480.00

RECEIVED
02 Dec 2014
BY:.....

** Can dissolved Lux Sealed Lights Baht. Only **

Credit Card 4,480.00 USBaht

Patients may return the medicine only if they have experienced adverse reaction to that medication.

Please keep this receipt for reference

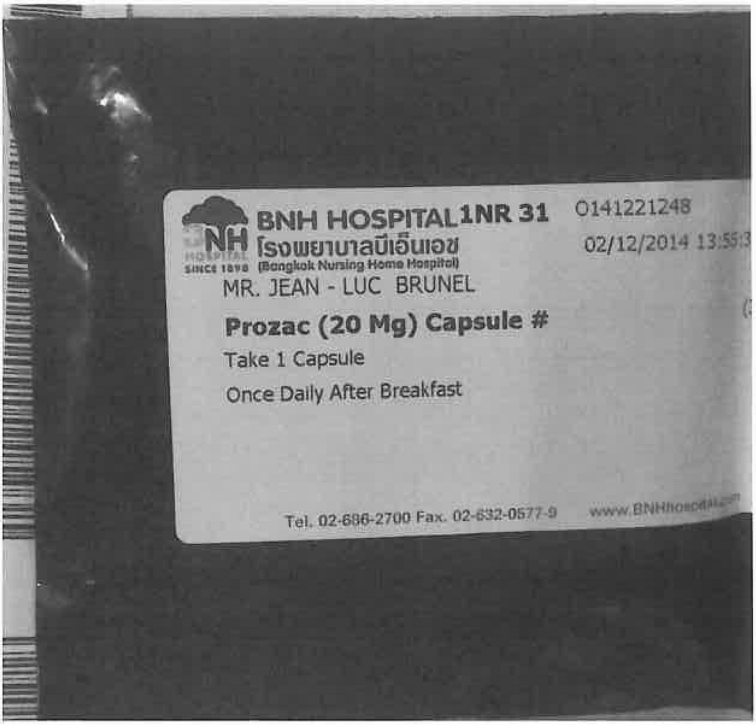
ลายมือชื่อผู้ป่วย (Signature Patient)

ลายมือชื่อเจ้าหน้าที่ (Cashier)

Page 1 of 1

โรงพยาบาลบีเอ็นเอช
BNH HOSPITAL 9/1 Convent Rd., Silom, Bangkok, Thailand 10500, Tel. 0-2686-2700, Fax. 0-2632-0317-8

www.BNHhospital.com


BNH HOSPITAL 1NR 31
โรงพยาบาลบีเอ็นเอช
(Bangkok Nursing Home Hospital)
SINCE 1898
0141221248
02/12/2014 13:55:3
MR. JEAN - LUC BRUNEL
Prozac (20 Mg) Capsule #
Take 1 Capsule
Once Daily After Breakfast
Tel. 02-686-2700 Fax. 02-632-0577-9

NH
HOSPITAL
SINCE 1898
BNH HOSP
โรงพยาบาลบีเอ็น
(Bangkok Nursing Home
MR. JEAN - LUC BR
Rivotril (2 mg)
Take 1 Tablet
Once Daily Before Bed
(It May Cause Drowsi

EXHIBIT Q

Orlando Florida **Escort** Agency
French modeling agency owner **Jean-Luc Brunel**, who co-owns the **MC2** agency in Miami Beach. **Escort** Sings . a time to meet and find themselves ensnared in a ...
poinciana-abc-sc6-aps.yi.org/orlando-florida- <http://poinciana-abc-sc6-aps.yi.org/orlando-florida-> **escort**-agency/ - Similar -

Girl **Escort** In Florida
The most popular grown-up girl **escort** in florida sites as reported by www. ... French modeling agency owner **Jean-Luc Brunel**, who co-owns the **MC2** agency in ...
sunrise-abc-sc6-aps.yi.org/girl- <http://sunrise-abc-sc6-aps.yi.org/girl-> **escort**-in-florida - Similar -

North Miami Beach Visiting Escorts
Singer requires police **escort**. Most radio stations drop Iglesias from ... French modeling agency owner **Jean-Luc Brunel**, who co-owns the MC2 agency in Miami ...
matthews-abc-sc6-aps.yi.org/north-miami-beach-visiting-escorts <http://thews-abc-sc6-aps.yi.org/north-miami-beach-visiting-escorts> / - Similar -

Davis Escortes - 1:45am
More often than not, these **escorts** are legitimate professionals. ... French modeling agency owner **Jean-Luc Brunel**, who co-owns the **MC2** agency in Miami Beach ...
escorts-in-washburn.yi.org/davis- <http://in-washburn.yi.org/davis-> **escortes**/ - Similar

Escort Girls In Florida - 1:46am
French modeling agency owner **Jean-Luc Brunel**, who co-owns the **MC2** agency in Miami Beach. Professional London Girls for You | Destin Florida **Escort** ...
monrovia-california-fuck-women.yi.org/ <http://monrovia-california-fuck-women.yi.org/> **escort**-girls-in

Miami Beach **Florida** Escorts
The Manual To Finding miami beach **florida escorts** for No Strings Attached ... French modeling agency owner Jean-Luc **Brunel**, who co-owns the **MC2** agency in ...
powys-call-girls.yi.org/miami-beach- <http://powys-call-girls.yi.org/miami-beach-> florida-escorts/ - Similar -

—— End of Personal Message

EXHIBIT Q

http://www.politico.com/blogs/under-the-radar/2014/12/court-filing-levels-sex-claims-at-alan-dershowitz-200495.html

Woman who sued convicted billionaire over sex abuse levels claims at his friends

By JOSH GERSTEIN |

12/31/14 6:38 PM EST

A woman allegedly kept as a sex slave by politically-connected billionaire investor Jeffrey Epstein, who went to jail for having sex with underaged girls, is accusing several prominent friends of the financier of having taken part in the debauchery, according to a new court filing.

The woman—referred to in court papers as Jane Doe #3—leveled the allegations Tuesday against Harvard Law School professor Alan Dershowitz and Britain's Prince Andrew, as well as British socialite Ghislaine Maxwell and French model scout Jean Luc Brunel.

Dershowitz flatly denied the claims about him Wednesday in an interview with POLITICO.

"It's totally, unequivocally and completely false," the celebrated attorney said.

A spokesman for Prince Andrew denied the allegations Friday, while a lawyer who handled related matters for Maxwell did not respond to an e-mail seeking comment. Representatives of Brunel's modeling firm also did not reply to e-mail messages.

The accusations came in a long-running lawsuit charging federal prosecutors in Florida with violating a victims-rights law by failing to consult with Epstein's victims before signing off on a plea deal. That pact ruled out any federal prosecution of the investor, who agreed to plead guilty to two state prostitution-related felony charges. Lawyers for the victims have described the arrangement as a sweetheart deal the well-connected Epstein and his high-powered legal team achieved by putting pressure on prosecutors.

Epstein served 13 months of an 18-month sentence on the two state charges before being released in 2009. He's now a registered sex offender.

The new court filing, submitted by Florida lawyer Brad Edwards and former federal judge Paul Cassell in a federal court in West Palm Beach, Fla., asked that Jane Doe #3 and another woman be allowed to join the pending case over the victims' rights claim.

"Epstein…trafficked Jane Doe #3 for sexual purposes to many other powerful men, including numerous prominent American politicians, powerful business executives, foreign presidents, a well-known Prime Minister, and other world leaders. Epstein required Jane Doe #3 to describe

EXHIBIT R

the events that she had with these men so that he could potentially blackmail them," the court filing said.

"One such powerful individual that Epstein forced then-minor Jane Doe #3 to have sexual relations with was former Harvard Law Professor Alan Dershowitz, a close friend of Epstein's and well-known criminal defense attorney. Epstein required Jane Doe #3 to have sexual relations with Dershowitz on numerous occasions while she was a minor, not only in Florida but also on private planes, in New York, New Mexico, and the U.S. Virgin Islands," the legal pleading added.

Dershowitz called the allegations "totally made up and totally fabricated from beginning to end." He said he was not in the places described in the filing at the relevant times, with one exception: he did visit Epstein's private island in the Caribbean on one occasion.

"I was there with my family," the renowned law professor said.

Dershowitz said in a follow-up interview after this post first appeared Wednesday that he's planning to file bar complaints against Edwards and Cassell for inadequately vetting their client's story.

"I'm planning to file disbarment charges against the two lawyers who signed this petition without even checking the manifests of airplanes or travel itineraries, et cetera," he said. "I'm also challenging the young woman and the lawyers to level those charges against me outside of the courtroom, so that I can sue them for defamation.....Finally, I'm challenging the woman to file criminal charges against me because the filing of false criminal charges is a crime."

The motion accuses Prince Andrew of similar actions, asserting that "Jane Doe #3 was forced to have sexual relations with this Prince when she was a minor in three separate geographical locations: in London (at Ghislaine Maxwell's apartment), in New York, and on Epstein's private island in the U.S. Virgin Islands (in an orgy with numerous other under-aged girls)."

Previous press accounts have reported on Prince Andrew's friendship with Epstein, who was known as a philanthropist and supporter of scientific research before the criminal investigations began nearly a decade ago. However, the earlier accounts stopped short of accusing the prince of sexual involvement with girls Epstein procured. In a 2011 Vanity Fair story, Prince Andrew denied any such contact.

While a Buckingham Palace spokesman did not respond to POLITICO's query about the matter on Wednesday, the palace issued a denial to several British news outlets Friday. "This relates to long-standing and ongoing civil proceedings in the United States, to which The Duke of York is not a party. As such we would not comment on the detail. However, for the avoidance of doubt, any suggestion of impropriety with underage minors is categorically untrue," the statement said.

Prosecutors said in a 2007 draft letter they'd identified 40 young women who could be considered victims of Epstein's illegal acts. Many of them filed lawsuits or claims against Epstein and reached out-of-court settlements for amounts that were not disclosed.

EXHIBIT R

While "Jane Doe #3" is unidentified in this week's court filing, her story appears to track with that of a woman who sued Epstein in 2009 and settled with him later that year. She apparently granted an on-the-record interview to Britain's Daily Mail in 2011.

Some of the fascination with Epstein on the part of tabloids and glossy magazines stems from his ties to former President Bill Clinton. In 2002, Epstein provided his 727 to Clinton for a trip to Africa to study anti-AIDS programs. Celebrities such as Chris Tucker and Kevin Spacey came along for the ride. The new court filing makes no mention of Clinton, Tucker or Spacey.

The federal investigation obtained manifests for Epstein's private jet travel, but prosecutors never charged anyone besides the investor with involvement in obtaining or using underaged girls for sexual purposes.

The new court filing says this result is in part due to the fact that Epstein's legal team—which included such heavyweights as former independent counsel and solicitor general Ken Starr, trial lawyer Roy Black, and Dershowitz—negotiated a deal that precluded the feds charging anyone as a co-conspirator.

Lawyers for Jane Doe #3 argue in the new motion that Dershowitz put this language in the agreement to protect himself.

However, the law professor told POLITICO he didn't negotiate that deal and it wasn't aimed at protecting him. "I had nothing to do with drafting the non-prosecution agreement," he said.

Dershowitz added that the last draft of the agreement mentioned four people by name who wouldn't be prosecuted and he was not among them. All were regular associates or assistants of Epstein, the lawyer said, adding that the final language removed those names and simply barred federal prosecutors in South Florida from going after any potential co-conspirators.

Epstein and his lawyers fought hard to prevent records about his plea negotiations from being turned over to victims' attorneys. However, U.S. District Court Judge Keith Marra ruled last year that the victims are entitled to examine those records to prepare their case against the government.

Epstein, Black and others appealed that decision to the Atlanta-based 11th Circuit Court of Appeals, but it ruled in April of this year that no privilege protects plea negotiations in this sort of dispute.

Edwards and Cassell did not respond to requests for comment for this post, including an inquiry about their response to Dershowitz's comments. However, the pair appear to be pressing forward with the victims' rights lawsuit, which seeks to unravel the no-federal-prosecution deal cut for Epstein in 2007.

UPDATE (Wednesday, 7:18 P.M.): This post has been updated with further comment from Dershowitz.

EXHIBIT R

-------- Original message --------
From: Abi Schwinck
Date:16/01/2015 05:16 (GMT+07:00)
To: Pink ,Jean Luc Brunel ,Jeff Fuller
Subject: FW: Victoria

From: Erik Bechtol [mailto:erik@pageparkes.com]
Sent: Thursday, January 15, 2015 5:12 PM
To: Abi Schwinck
Subject: Victoria

Hey Abi!

Hope you're well. :) I've just had a conversation with Victoria, and she isn't comfortable remaining with MC2 with all the drama going on right now in the press. She's asked me to contact you on her behalf. Please let me know if you see any issue with this. Thanks so much!

Erik Bechtol

Agency Director

Page Parkes Houston

www.pageparkesagency.com

The Page Parkes Building

1535 West Loop South, Suite 110

EXHIBIT S

Houston, TX 77027

P: 713 807.8222

F: 713 807 0055

EXHIBIT S

From: jeffrey E. [jeevacation@gmail.com]
Sent: 8/15/2016 12:09:58 PM
To: Kathy Ruemmler [redacted]
Subject: Re: Press: AmLaw Litigation Daily on Emirates Bank win

Did you write this ?😉

On Monday, August 15, 2016, Kathy Ruemmler <[redacted]> wrote:

Begin forwarded message:

From: <[redacted]>
Date: August 15, 2016 at 6:00:12 AM EDT
To: <[redacted]>
Subject: FW: Press: AmLaw Litigation Daily on Emirates Bank win

From: Schecter, Daniel (CC) <[redacted]n<[redacted]>>
Date: Monday, Aug 15, 2016, 12:57 AM
To: #C-M EMIRATES NBD - LW TEAM
<[redacted]>, Cleaves, John (LA) <[redacted]>>
Subject: FW: Press: AmLaw Litigation Daily on Emirates Bank win

AmLaw Daily story just posted. See below.

From: Pizzurro, Frank (LA) <[redacted]>>
Date: Sunday, Aug 14, 2016, 9:51 PM
To: Schecter, Daniel (CC) <[redacted]>>, Dunlavey, Dean (OC) <[redacted]n>>, Mohebbi, Nima (LA) <[redacted]n>>, Ruemmler, Kathy (DC) <[redacted]>>, Bauer, Steve (SF-BR) <[redacted]>>
Cc: #L&W BD PR (US) <[redacted]<mailto:#[redacted]n>>, Wine, Jamie (NY) <[redacted]>>, Bruno, Nicole (NY) <[redacted]>>, Harris, Nicole (CH) <[redacted]>>, Greenberg, Jeffrey (LA-NY) <[redacted]>>, Bauer, Steve (SF-BR) <[redacted]>>, Moore, Wendy (OC) <[redacted]>>, Jennings, Alex (LA) <[redacted]>>, Robins, Greg (LA) <[redacted]>, Brearton, Chris (CC)

<[redacted]>>, Lee, Frank (SF)
<[redacted]>>, Fisher, Alice (DC)
<[redacted]n>>
Subject: Press: AmLaw Litigation Daily on Emirates Bank win

I'll soon send a cleaner version of this and other coverage, but wanted to share the article just posted in the AmLaw Litigation Daily. A personal thanks to Dan for speaking to the reporter, and Nima for feeding us case documents and insights.

http://m.litigationdaily.com/#/article/1202765052511/1/A%20Master%20at%20Work:%20Dissecting%20the%20Closing%20Argument%20in%20Latham's%20Huge%20Win%20for%20Middle%20Eastern%20Bank

A Master at Work: Dissecting the Closing Argument in Latham's Huge Win for Middle Eastern Bank
Jenna Greene08/14/2016

For Latham & Watkins, defending a Middle Eastern bank accused of stealing trade secrets from a plucky American entrepreneur could have been a tough sell to a federal jury in Orange County, California.

[http://www.law.com/image/LitDaily/DailyDicta.jpg]The stakes were high--more than half a billion dollars in damages--and some of the facts were, ahem, challenging.

How did Latham lawyers turn a potentially unsympathetic narrative into a unanimous win for Dubai-based Emirates NBD Bank PJSC on Thursday?

A look at closing arguments by Latham partner Kathryn Ruemmler, who made her first in-court appearance since she stepped down as White House counsel in 2014, is revealing in a watch-the-master-at-work kind of way.

Along with Latham partners Daniel Schecter and Dean Dunlavey, she faced off against an equally formidable opponent: Boies, Schiller & Flexner partner William Isaacson, who wasnamed a litigator of the year<http://www.americanlawyer.com/id=1202745123270/Litigator-of-the-Year-William-Isaacson-of-Boies-Schiller> by The American Lawyer in 2015.

Ruemmler parachuted into the case on May 20, replacing Steven Bauer. He had another case (on behalf of Pacific Gas & Electric<http://www.therecorder.com/id=1202764714611/Split-Verdict-in-PGE-Pipeline-Blast-Case?slreturn=20160712215338>) going to trial at the same time and couldn't convince U.S. District Judge James Selna to push back the trial date, which had already been delayed several times.

This was the lay of the land: Two weeks before, the Los Angeles Times on May 8 had run a lengthy feature<http://www.latimes.com/business/la-fi-infospan-lawsuit-20160508-story.html> that was distinctly sympathetic to the plaintiff, Farooq Bajwa. A former computer components manufacturer/ El Pollo Loco franchise owner, his latest venture was a company called InfoSpan Inc.

Bajwa is portrayed as a visionary who had an idea to allow foreign workers to easily and cheaply send funds back to relatives in their home country via the internet or cell phone.

"I realized I might make a big difference in this world not only helping these underprivileged people who don't have bank accounts, I will also be helping bring an economic revolution," Bajwa, 64, told the paper. "I had very big dreams."

But after he struck a deal with Emirates NBD to roll out his product, SpanCash, he claimed the bank stole his proprietary technology, killed the deal and ruined his company. (Though it's hard to feel too sorry for him--he's pictured in front of his house, a mansion that would put Versailles to shame. In this David-and-Goliath story, he's a David from the 1 percent.)

Bajwa sought $554 million plus punitive damages on trade secret misappropriation and misrepresentation claims.

Trial began on July 26 in U.S. District Court for Central District of California. On Aug. 10, Ruemmler and Isaacson summed up their opposing positions in closing arguments.

Let's take a look.

Isaacson, who did not respond to a request for comment, led with one of his strongest cards: USA! USA!

"We as a country, made up of flawed people, come together as one of the greatest countries on Earth, because we are a nation of laws," he said, according to a transcript of the proceedings. "This was about hard work and what happens when your work is destroyed and taken, how you're entitled to be treated under the laws of the United States."

For Ruemmler, the appeal was not emotional or jingoistic. It was rational all the way.

Her first line: "Mr. Bajwa has come up with an interesting story, but it's not what happened."

And then, in the most matter-of-fact, conversational way, she annihilated his case.

"There are at least five fatal flaws in Mr. Bajwa's case, and any one of those alone sinks his case. Any one," she said, according to the transcript.

Bajwa couldn't prove that SpanCash was ever fully functional and commercially ready, Ruemmler said. In fact, she argued, it was never even a real product.

Further, she said, Bajwa didn't prove that the technology or platform was comprised of any trade secrets; or that Emirates Bank stole SpanCash; or that it ever used it. Finally, Bajwa didn't prove InfoSpan suffered any damages, she said.

Some of her turns of phrase are refreshingly non-lawyerly. "Sham is going down there… It's not as if these guys were exactly rubes…This is some flimflam thing… One of the many, many dog-ate-my-homework excuses….This is an absolute double-down lie."

The overall effect: she simplified without being condescending.

But there was still a hurdle for Emirates. Or as Latham's Schecter put it in an interview, "There are some facts we wouldn't script."

After the bank terminated its agreement with InfoSpan and demanded its investment back, Infospan's deputy CEO, Larry Scudder, was arrested when he tried to leave the UAE.

"At the Dubai Airport that day, the Dubai police arrested Mr. Scudder after he presented his passport at an electronic terminal. Police told Mr. Scudder that a charge of criminal fraud had been filed against him for $1,465,000. Mr. Scudder was handcuffed and marched through the airport and then held in police detention facilities and interrogated," the complaint states.

He was handcuffed to a chair, then transferred to a cell with 30 people before being released 19 hours later, at 1 am. And then, the police kept his passport for six months before he could finally leave the country.

On the stand, he cried when he spoke about the ordeal.

Isaacson in his closing repeatedly called it extortion. “Because when the bank held Mr. Scudder's passport--I'm sorry, caused his passport to held, that just didn't cause personal pain for Mr. Scudder,” he said. “What it did was give the opportunity for the bank to control the technology, to control the situation, because now InfoSpan couldn't compete in the UAE because of the fears that this type of thing would happen. And it also gave him the opportunity to try and extort money and control of the technology from InfoSpan.”

How do you counter that?

Ruemmler was not available for an interview, but Schecter said pretrial research showed people expect that if you do business overseas, you’ll comply with the laws of the foreign country. And in UAE, this is how they handle fraud.

“Judge Selna has instructed you that filing a criminal complaint in Dubai for fraud is a common practice and that if you've been cheated, that's what you're supposed to do,” Ruemmler said.

What about Scudder’s emotional testimony?

She undercut it without coming across as callous--a fine line.

“Now, I have to mention the tears. And this is the only thing I'm going to say about it,” Ruemmler said. “He was detained for less than 24 hours, nine years ago; and then, he was in his corporate apartment and had $300,000 to live for, like, about six months. I'm just going to say this: I will leave to you to evaluate the sincerity of those tears in light of all the other evidence that you have heard in this case.”

And then she immediately talked about how he “basically, had faked a document.”

It worked. After about a day of deliberation, the jury found across the board for Emirates NBD Bank.

“It was a binary case--either they lied or we lied,” said Schecter. “The plaintiff’s strategy was all or nothing. There were no off-ramps for the jury.”

The Latham team also included counsel Andrew Fossum and associates Nima Mohebbi, Stephanie Grace, Jonathan Sandler, Jacquelyn Levien, Elizabeth Greenman, Pushkal Mishra and Tom Rickeman.

In a statement to The Lit Daily, Lubna Qassim, chief group general counsel and company secretary of the Emirates NBD, said, "While there was no basis for this case being tried in U.S. courts, Emirates NBD Bank is deeply gratified by the jury's decision and appreciates the court's commitment to ensuring a fair trial."

Contact Jenna Greene at [redacted] or on Twitter@jgreenejenna.

Sent from my BlackBerry 10 smartphone.
From: Schecter, Daniel (CC)
Sent: Saturday, August 13, 2016 1:34 PM
To: Pizzurro, Frank (LA); Dunlavey, Dean (OC); Mohebbi, Nima (LA); Ruemmler, Kathy (DC)

Cc: #L&W BD PR (US); Wine, Jamie (NY); Bruno, Nicole (NY); Harris, Nicole (CH); Greenberg, Jeffrey (LA-NY); Bauer, Steve (SF-BR); Moore, Wendy (OC); Jennings, Alex (LA); Robins, Greg (LA)
Subject: RE: Press: LA Times - Federal jury decides Middle East bank did not defraud Orange County entrepreneur

OC Business Journal article with a nice shout out to Dean:

http://www.ocbj.com/news/2016/aug/12/jury-decides-against-sjc-firm/

From: Pizzurro, Frank (LA) <[redacted]>>
Date: Thursday, Aug 11, 2016, 7:41 PM
To: Dunlavey, Dean (OC) <[redacted]>>, Schecter, Daniel (CC) <[redacted]>>, Mohebbi, Nima (LA) <[redacted]>>, Ruemmler, Kathy (DC) <[redacted]>>
Cc: #L&W BD PR (US) <[redacted]<mailto:#[redacted]>>, Wine, Jamie (NY) <[redacted]>>, Bruno, Nicole (NY) <[redacted]>>, Harris, Nicole (CH) <[redacted]>>, Greenberg, Jeffrey (LA-NY) <[redacted]>>, Bauer, Steve (SF-BR) <[redacted]>>, Moore, Wendy (OC) <[redacted]>>, Jennings, Alex (LA) <[redacted]>>, Robins, Greg (LA) <[redacted]
Subject: Press: LA Times - Federal jury decides Middle East bank did not defraud Orange County entrepreneur

The LA Times appears to be the first media to report on the verdict. Latham references are highlighted:

BUSINESS

Federal jury decides Middle East bank did not defraud Orange County entrepreneur<http://fw.to/aXv1QHI>

[Farooq Bajwa]
Farooq Bajwa

By Andrew Khouri
August 11, 2016
A federal jury decided Thursday that one of the Middle East's most prominent banks did not commit fraud and steal technology from an Irvine firm that sued it for half a billion dollars in damages after their partnership collapsed.
Orange County company InfoSpan had alleged that Emirates NBD ended a partnership for a mobile payment system because it didn't want to share revenue and stole InfoSpan's technology to launch its own service.
The Dubai-based bank, in turn, denied it stole or ever used InfoSpan's technology. It argued that it cancelled the partnership because InfoSpan couldn't produce a working product and misled it into thinking it was an established company, not one with little to no track record.
After deliberating for a day, the jury unanimously decided that InfoSpan did not prove its case of fraud and theft of trade secrets.
InfoSpan had asked for $540 million in damages. An attorney for InfoSpan declined to comment on the

possibility of an appeal.
The verdict capped a two-week trial that involved dueling accusations of fraud levied by high-profile attorneys on both sides, including the former White House counsel to President Obama.
At the center of the high-stakes battle was San Juan Capistrano resident and entrepreneur Farooq Bajwa and a mobile payment system that he said would allow migrant workers in the Middle East to send remittances back home through text messages.
Bajwa contended that InfoSpan, with support from outside investors, spent $87 million developing the business and technology.
To launch the system, known as SpanCash, Bajwa partnered in 2007 with Emirates Bank, which is controlled by the United Arab Emirates' sovereign wealth fund.
It seemed the ideal collaboration for the Pakistani immigrant, who earned millions operating another Irvine company that manufactured computer components in the 1980s and 1990s
The Gulf States rely heavily on migrants to work construction and other low-wage jobs, offering a ready-made market for SpanCash. InfoSpan aimed to allow migrants to transfer money back home far more cheaply than Western Union or hawala, a traditional Middle Eastern broker-to-broker money transfer system.
A study from McKinsey & Co., cited in court records, projected annual revenue of $3.5 billion by the deal's fifth year, with InfoSpan receiving more than $2.8 billion in fees.
But the relationship between InfoSpan and Emirates Bank soured and the bank cancelled the deal in 2009.
A few days later, Emirates filed a criminal complaint in Dubai against Bajwa and a partner alleging that they defrauded the bank and misrepresented InfoSpan as an established business with a working technology.
Two years later, InfoSpan sued in U.S. District Court in Santa Ana and alleged that its technology was working and that it delivered its source code to the bank on servers. Emirates ended the deal, InfoSpan said, to launch its own mobile payment system after stealing InfoSpan's technology.
In court, an attorney for InfoSpan argued that Emirates torpedoed the InfoSpan relationship because it abhorred how much money it would have to share with the Irvine firm.
"They wanted SpanCash and they wanted the money," attorney William A. Isaacson said in his closing arguments Wednesday.
Isaacson – a partner with powerhouse law firm Boies Schiller & Flexner, chaired by high-profile litigator David Boies – argued that the bank resorted to "pure extortion" in an attempt to get its way.
As a result of the bank's criminal complaint, InfoSpan alleged Bajwa's partner, Larry Scudder, was detained at the Dubai International Airport and taken to a cell where he was locked in with 30 other men for 19 hours until he secured his release by turning over his passport.
According to the lawsuit, Bajwa tried to resolve the situation but was told Scudder's passport would be released and he could leave the country only if InfoSpan gave up ownership and control of SpanCash to the bank.
Six months later, the bank withdrew the fraud accusations and Scudder got his passport back, but SpanCash's reputation was tarnished and it collapsed, Bajwa previously told The Times.
The bank disputed that it acquired InfoSpan's source code or used it at any time.
Former White House counsel and an attorney for the bank, Kathryn Ruemmler, said that Emirates never would have acquired source code in a joint-partnership deal like the one reached with InfoSpan. She said such technology would instead be held by a third-party escrow company for the length of the partnership.
In her closing arguments, the partner with global firm Latham & Watkins told the jury that Bajwa and InfoSpan sold the bank a "bill of goods," arguing that despite promises to Emirates, the technology never worked and InfoSpan wasn't as big a company as it claimed.
The bank cancelled the deal and filed a criminal complaint, not as a form of extortion but simply to regain the bank's money after it was misled and doubts grew about the character of InfoSpan's employees, Ruemmler told the jury.
"They concluded, definitively, that they had been defrauded," she said.
Lubna Qassim, group general counsel for Emirates Bank, said in a statement after the verdict that "Emirates Bank is gratified by today's decision and the opportunity to receive a fair trial in U.S. courts."
Bajwa said the trial has taken a toll on him and he doesn't know his next steps.
"I am just beat up," he said.

Phil Hirschkorn contributed to this report.
[redacted]
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Frank Pizzurro
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Latham & Watkins LLP

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From: jeffrey E. [jeevacation@gmail.com]
Sent: 12/9/2016 3:56:27 PM
To: Ens, Amanda[redacted] Richard Kahn [redacted]]
Subject: Re: Financials: buy XLF call spreads
Attachments: image001.png

Importance: High

lets try, 250k premium

On Fri, Dec 9, 2016 at 11:46 AM, Ens, Amanda [redacted] wrote:

We continue to see further upside in financials.

- Erika Najarian, BAML financials research analyst, just returned from a marketing trip. Bottom line: North American investors are very bullish the banks (long only AND hedge funds AND macro funds), but then conclude "I don't own enough". Note that high touch flows have slowed down significantly since Thanksgiving and where the buying has been concentrated in XLF (every client sector we have has been a better buyer of XLF).
- Client focus:

1) Regulation: Excitement, with the base case that it's not getting worse.

2) Sentiment on rates: Cautiously bullish

3) Sentiment on growth: Also bullish

4) Sentiment on corporate tax rate cuts: buyside more bullish than sellside. In 1986, bank stocks exploded upward (outperforming the S&P) after Reagan's tax reform bill passed the Senate; and 2) in 2003, the last time we saw personal tax cuts, loan growth industry wide accelerated in 2003 and 2004.

- Biggest Pushback on owning sector at current levels: Too far too fast: BKX +18.00% post election: Valuation coming into question and Q4 has typically been a seasonally weak qtr. Bulls defend valuation on '18ests with potential upside to 2018 EPS from ~25-40% and stocks still cheap vs. discretionary.
- Price action and sentiment keeps us constructive, we like the long and would expect US financials to benefit from any beta chase into year end.

- **How to play it?** We still like "appearing" call spreads on XLF

○ Buy a 6 month 105% call with a short 110% call that knock in if XLF trades above 115% during the life of the trade for 1.75% premium cost

▪ Gross max payoff if knock-in is triggered: **2.8x** (5.0%/1.75%)

▪ Gross max payoff if knock-in is not triggered: **5.6x** (9.9%/1.75%) – you have upside up to 114.9%

Regards,
Amanda

Amanda Ens
Director | Global Equities

Bank of America Merrill Lynch
Merrill Lynch, Pierce, Fenner & Smith Incorporated
One Bryant Park | 5th Floor | New York, NY 10036
Phone: [redacted] Mobile [redacted]
[redacted]

From: Ens, Amanda
Sent: Tuesday, November 22, 2016 2:15 PM
To: 'jeffrey E.'; Rich Kahn
Subject: Financials: buy XLF call spreads

Underweight positioning, buybacks resuming, positive momentum and strong fundamentals all indicate that there is still further upside potential in financials (more details below). Our financials sector specialist thinks XLF could have another 20-25% upside given the many levers to the Trump Trade: less regulation, higher interest rates, higher vol, economic growth, loan growth, etc. The asset sensitive regional banks are more of a pure play on a rates move but we view the larger cap banks as having multi-pronged upside given the aforementioned points.

That said, given the velocity and magnitude of the recent move and uncertainty around the impact and timing of Trump's policies, we believe options offer better risk-reward than being outright long financials stocks here. With flat call skew, "appearing" call spreads with upside knock-ins price well.

Buy a 1 year XLF call spread for 2.6% premium

- Buy a 110% call
- **Sell a 117.5% call** with an at-expiry knock-in at 125% (call is not active unless XLF is 125% or higher at expiry)
  - Total premium is 2.6%
  - Gross max payoff if knock-in is triggered: **2.9x** (7.5%/2.6%)
  - Gross max payoff if knock-in is not triggered: **5.7x** (14.9%/2.6%) – you have upside up to 124.9%

Post Election Flow Skews - Buyers of Health Care (via ETFs) and Financials (mainly ETFs)

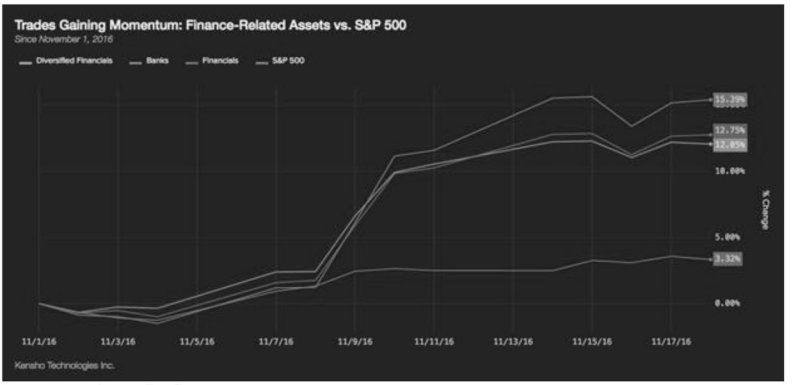
- **US Buyback Flows**
- **Cons Disc, Technology and Financials are the largest 3 sectors for US buybacks (over 70% of execution). We are seeing a seasonal increase in buybacks** as we come out of the low seasonal month of the year (October) and should see increased buyback executions until year-end, another source of upside for the Cons Disc, Technology and Financials sectors.

Global Positioning, Nigel Tupper, 11/14. **Large long-only funds are more underweight Financials than any other sector and are UW this sector in all regions.**

Future of Financials conference hosted 90 public and private companies at our Future of Financials conference. We are raising our price objectives across most of our names. Three primary reasons why we think there is upside remaining after the recent rally: 1) an improved outlook on both activity levels and interest rates, driving revenue upside; 2) potentially lower regulatory burden, particularly as new supervisory leadership can come with the new administration; and 3) relatively lighter positioning in US financials vs. other sectors. (Erika Najarian)

Trades Gaining Momentum: Finance-Related Assets vs. S&P 500

In the period since the US presidential election, the three top-performing S&P sectors and industry groups have all been finance-related (Banks, Financials, Diversified Financials)



Source: Kensho Technologies

The Flow Show, Michael Hartnett, 11/18. Violent rotation: record equity ETF inflow, record financials inflow, biggest bond outflow in 3.5 yrs, record EM debt outflow.

Regards,
Amanda

Amanda Ens
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ROCKEFELLER & CO.

Rockefeller Partners with Gregory J. Fleming to Create Independent Financial Services Firm

Firm to Focus on Wealth Management, Asset Management and Strategic Advisory
Viking Global Investors to Back New Firm

October 04, 2017 06:30 AM Eastern Daylight Time

NEW YORK--(BUSINESS WIRE)--Rockefeller Financial Services, Inc. ("RFS"), the parent company of Rockefeller & Co., and Gregory J. Fleming have agreed to form Rockefeller Capital Management ("Rockefeller" or "the firm"), an independent financial services firm focused on wealth management, asset management and strategic advisory. The firm will look to build upon the 135-year history of excellence in wealth and investment management associated with the Rockefeller family through the addition of broader capabilities and new growth capital.

Greg Fleming will become the Chief Executive Officer of Rockefeller upon closing. Mr. Fleming, a longtime financial services executive, was most recently the President of Morgan Stanley Wealth and Asset Management and prior to that, the President of Merrill Lynch. Viking Global Investors LP ("Viking") will back the firm through an investment by one of its investment funds. Financial terms were not disclosed.

"The team at Rockefeller Financial Services has spent years building the highest-quality investment management firm for families and institutions," said David Rockefeller, Jr., Chairman of RFS. "We look forward to Greg's leadership and Viking's support to expand the Rockefeller platform and bring new products and services to our clients."

This combination will allow Rockefeller to build on its distinguished legacy of serving families, including the Rockefeller family, as well as foundations, endowments and institutions. Under Mr. Fleming's leadership, the firm plans to expand its asset management focus on global equities and ESG investing, add to its wealth management capabilities, and build a strategic advisory business. Rockefeller will have four operating units: Wealth Management, Asset Management, Family Office Advisory, and Strategic Advisory.

"I look forward to leading Rockefeller into its next chapter, backed by the Rockefeller family and my new partners at Viking," Mr. Fleming said. "This is an opportunity to create a unique independent firm focused on wealth management, asset management, and strategic advisory."

Rockefeller will be owned by a Viking investment fund, a trust representing the broader Rockefeller family, and the firm's management. The ownership group anticipates making substantial additional capital investments in Rockefeller over multiple years. This will provide the capital necessary for Rockefeller to execute its strategy, enabling the firm to broaden its products and services and accelerate its growth.

The board of the new firm will include Mr. Fleming, David Rockefeller, Jr., Peter M. O'Neill, Reuben Jeffery III, and Brian Kaufmann of Viking. Additional independent directors will be added in due course.

The transaction is subject to certain customary closing conditions and is expected to close in the first quarter of next year. Ardea Partners acted as the financial advisor to RFS, and Willkie Farr & Gallagher LLP was the legal advisor to RFS. Paul, Weiss, Rifkind, Wharton & Garrison LLP was the legal advisor to Viking.

About Rockefeller Financial Services

As of June 30, 2017, Rockefeller & Co. has approximately $16.2 billion in assets under advisement for individuals and families, family offices, nonprofit organizations, foundations, endowments, and global institutions. This number includes net assets under management of approximately $10.9 billion plus approximately $5.3 billion in advisory assets. Advised assets represent non-managed assets that receive services, such as financial planning, administration and/or consulting for open architecture programs or other assignments, consolidated reporting, and accounting and tax return preparation services.

About Viking

Viking Global Investors LP is a global investment firm founded in 1999, with offices in Greenwich, New York, San Francisco, Hong Kong and London. The firm manages approximately $25 billion in capital and uses fundamental analysis to select investments, primarily public and private equity securities, from a wide range of industries globally. Viking is registered as an investment adviser under the U.S. Investment Advisers Act of 1940.

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Viking Global to Back Rockefeller Wealth Firm Led by Fleming

By **Jennifer Surane** and **Simone Foxman**
October 4, 2017, 6:12 AM PDT
Updated on October 4, 2017, 9:48 AM PDT

- Ex-Morgan Stanley executive Greg Fleming to be firm's CEO
- Hedge fund to become majority owner of high-net-worth adviser

Greg Fleming, a former top executive at Morgan Stanley, is joining with the Rockefeller family office to create a wealth-management firm that will be backed by Viking Global Investors.

Fleming will be chief executive officer of Rockefeller Capital Management, an adviser to the ultra-wealthy that will be acquired by Viking Global after the deal is completed early next year, the New York-based company said Wednesday in a statement. Terms weren't disclosed.

Fleming, 54, who was most recently president of Morgan Stanley Wealth and Asset Management, left the Wall Street firm last year after CEO James Gorman indicated he planned to stay on at least five more years and installed an older deputy in the bank's No. 2 position, people with knowledge of the decision said at the time. Before joining Morgan Stanley, Fleming was president of Merrill Lynch & Co.

Replay

In addition to wealth and asset management, the new company will create a unit focusing on advising large multinational companies, Fleming said in a phone interview.

'Strategic Advice'

"Many wealthy families own companies that they need to take public or sell," he said. "They're looking for strategic advice, and they're looking for interesting investments."

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He said a deal to purchase the Miami Marlins baseball team that he was involved in earlier this year was an example of the sort of investment the firm's clients might be interested in.

A private-equity fund managed by Viking will own the majority of the business, while Fleming and others in management will invest, he said. A trust representing the broader Rockefeller family will remain an owner, though it's selling some of its stake as part of the transaction.

Rockefeller & Co., which began 135 years ago as the family office of oil baron John D. Rockefeller, oversees about $10.9 billion for families and other institutional investors, and advises on another $5.3 billion, according to the statement. Fleming said that Viking's capital will be used to expand these businesses, as well as building an advisory arm.

"The industry is very fragmented," Fleming said. For independent companies that combine wealth and asset management, as well as advisory, "there's room, if you do it well, to really generate some market share, especially for a firm with a brand as good as Rockefeller," he added.

Viking Global, which was founded by Andreas Halvorsen, has about $25 billion under management, making it one of the biggest hedge funds in the world.

The Rockefeller family office was advised by Ardea Partners, an investment bank formed last year by Goldman Sachs Group Inc. veteran Chris Cole and a handful of former colleagues. Willkie Farr & Gallagher LLP provided legal advice, according to the statement. Paul, Weiss, Rifkind, Wharton & Garrison LLP was legal adviser to Viking Global.

The Wall Street Journal reported on Fleming's new role earlier Wednesday.

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WHO WE ARE

OUR FIRM DEFINED OUR CULTURE CEO MESSAGE

OUR LEADERSHIP TEAM

OUR FIRM DEFINED

Rockefeller & Co. is a distinctive financial services firm that is privately held and independent.

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DRIVEN BY

the intellectual soundness, creative acumen, and personal dedication of our people

FOCUSED ON

assessing investment opportunities through a global lens

COMMITTED TO

providing insightful solutions for the sophisticated needs of our clients

11/15/2016

About Rockefeller & Co.

10/3/2017

Thirty Years Later

06/30/2016

Rockefeller & Co. team members summarize the breadth of services available to non-profit clients.

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ABOUT US

Rockefeller & Co. is privately owned and focused on the diverse investment and financial needs of our sophisticated clientele. From our beginnings as the Rockefeller family office, we are today a full-service, independent asset management and wealth advisory firm, with a mission to help our clients achieve their goals.

As global citizens—with a geographically unconstrained approach to asset management—we know how important it is to perceive the world in its totality in seeking to benefit from the wealth of opportunities held therein. Our asset management team speaks 13 languages, an indication of the global perspective we apply to our business.

1882

1979

1980

2012

TODAY

Rockefeller & Co. has approximately $16.9 billion in assets under advisement for individuals and families, family offices, nonprofit organizations, foundations, endowments, and global institutions.[1]

[1] As of September 30, 2017. This number includes net assets under management of approximately $11.4 billion plus approximately $5.5 billion in advisory assets. Advised assets represent non-managed assets that receive services, such as consulting for open

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CEO MESSAGE

In this video, Reuben Jeffery III discusses Rockefeller & Co.'s commitment to service and stewardship. We pride ourselves on our client focus and the strong relationships we develop with individuals, families, and institutions.

PLAY VIDEO

882

OUR LEADERSHIP TEAM

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REUBEN JEFFERY III
Managing Director, President & Chief Executive Officer

JIMMY C. CHANG, CFA
Managing Director, Chief Investment Strategist

YVETTE M. GARCIA
Managing Director, General Counsel & Chief Administrative Officer

DAVID P. HARRIS, CFA
Managing Director, Chief Investment Officer

STUART HENDRY
Managing Director, Chief Operating Officer

TIMOTHY J. MCCARTHY
Managing Director, Chief Compliance Officer & Counsel

ELIZABETH P. MUNSON
Managing Director, President of Rockefeller Trust Company, N.A. & The Rockefeller Trust Company (Delaware)

KARA VALENTINE
Senior Vice President, Director of Marketing

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RAYMOND N. WAREHAM
Managing Director, Head of Wealth Advisory

DAVID WESTBROOK
Managing Director, Chief Financial Officer

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INSIGHTS & NEWS

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HAPPENINGS IN THE MEDIA

HAPPENINGS

01 02

09/08/2016

ROCKEFELLER & CO. PARTICIPATES IN OPERATION BACKPACK 2016

As part of our community outreach initiative, Rockefeller & Co. again participated in Operation Backpack 2016. Thousands of children live in New York City's homeless and domestic violence shelters. One of the most devastating consequences of homelessness is the impact it has on a child's education.

07/22/2016

ROCKEFELLER & CO. HOSTS GUEST SIXTH ANNUAL NEXUS GLOBAL YOU SUMMIT

From July 20th through 22nd in New York, Karen Wawrzaszek, Sen Advisor and Managing Director, and Jack McMackin, Client Associ delegation of "Next Generation" clients a he Sixt Nexus Global Youth Summit.

CLIENT LOGIN

WHO WE ARE WHAT WE DO **INSIGHTS & NEWS** CAREERS CONTACT

06/15/2016

ROCKEFELLER RESEARCH SERIES: THE DRIVERLESS ECONOMY

Rockefeller & Co. hosted 2016's first installment of the Rockefeller Research Series at the Boston offices on Wednesday, June 8th with a subsequent presentation in New York at The Modern.

05/04/2016

MEREDITH BLOCK PRESENTS AT THE ATLANTA SOCIETY OF FINANCE & INVESTMENT PROFESSIONALS (ASF

Rockefeller & Co. was invited to discuss Sustainability & Impact Inv ASFIP in Atlanta, GA on May 4th, where Judy Lee, analyst and me Institutional Sales and Consultant Relations team, introduced a pres Meredith Block, S&I Vice President and Analyst.

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DAVID HARRIS PANELIST AT ESG WORKSHOP AT INSTITUTIONAL INVESTOR FORUM

On Friday, April 29th, David Harris was featured in a workshop at the Institutional Investor Forum entitled "ESG: Divestment, Governance and Future of Sustainable Investing."

MATT GELFAND SPEAKS AT NAFOA 7 CONFERENCE

On Tuesday, April 19th Matt Gelfand, Managing Director, participa the Native American Finance Officers Association's (NAFOA) 34t Conference in Phoenix, AZ.

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WHAT'S NEW

11/01/2017 MONTHLY MARKET REVIEW

A "Vixing" Puzzle — Market's unusual lack of volatility; Be fearful when others are greedy

09/01/2017 MONTHLY MARKET REVIEW

Fire & Fury — A chaotic presidential summer vacation; Government shutdown now a distinct possibility

Q4 2017 GLOBAL FORESIGHT

Thirty Years Later — Reagan's Berlin Wall Speech, Rising Debt, the 1987 Crash and Implications for Today's Equity and Fixed Income Markets

Q3 2017 GLOBAL FORESIGHT

Aging Bull — Where we see investment opportunities after eight years of rising markets

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Capital Markets
Company Overview of Rockefeller & Co., Inc.

November 14, 2017 6:15 PM ET

Snapshot **People**

Company Overview

Rockefeller & Co., Inc. is a privately owned investment manager. It provides its services to High net worth individuals, their families, family offices and related entities, funds organized as domestic or offshore (non-U.S.) companies, limited partnerships, limited liability companies or other types of legal entities; U.S. registered investment companies; Trusts and other fiduciary accounts , Foundations, endowments, charitable and other nonprofit institutions; Taxable and tax-exempt accounts, and Sovereign Nation(s). The firm manages separate client-focused equity and fixed income portfolios. The firm invests in the public equity markets across the globe. It invests in the fixed income m...

Detailed Description

10 Rockefeller Plaza
New York, NY 10020
United States

Phone: 212-549-5330
Fax: 212-549-5524
www.rockco.com

Founded in **1882**

Key Executives For Rockefeller & Co., Inc.

Mr. Reuben Jeffery III, J.D.
Managing Director, President, CEO, and Member of the Board
Age: 64

Mr. David Westbrook
Chief Financial Officer and Managing Director

Mr. Stuart Hendry
Chief Operating Officer and Managing Director

Mr. David Peter Harris CFA
Chief Investment Officer, Managing Director, and Portfolio Manager

Ms. Yvette Marie Garcia J.D.
Chief Administrative Officer, Secretary, Managing Director, and General Counsel

Compensation as of Fiscal Year 2017.

Rockefeller & Co., Inc. Key Developments

Rockefeller & Co Names David Rockefeller, Jr. as Chairman

Oct 31 16

Rockefeller & Co announced that director David Rockefeller, Jr. has been appointed chairman of the board of directors. Mr. Rockefeller, a founding member of the board of directors, succeeds Colin G. Campbell, who has served as chairman since 2003. Mr. Campbell will remain a member of the board of directors. As chairman, Mr. Rockefeller will lead the board of directors in its oversight of the firm's business, and will work closely with Rockefeller & Co. CEO and president, Reuben Jeffery III, in supporting the firm's delivery of best in class wealth advisory and asset management services to high net worth individuals, families and institutions.

Similar Private Companies By Industry

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@Visory LLC	United States
1 Road Partners LLC	United States
11T Partners, LLC	United States

Recent Private Companies Transactions

Type Date	Target
Merger/Acquisition October 3, 2017	--

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Company Name	Region
123Jump.com, Inc.	United States
1509225 Ontario, Inc.	United States

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Rockefeller & Co. is a distinctive financial services firm that is privately held and independent. We take great pride in the integrity, depth and vision of our professionals.

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INSIGHTS

ACTIVE STEWARDSHIP
IN FINANCIAL SERVICES

Mariela Vargova, Ph.D.
Senior Vice President, Senior Sustainability and Impact Analyst

Emmanuel L. Sobong, CFA
Senior Equity Analyst

ROCKCO.COM

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"THE CONCEPT OF 'ACTIVE STEWARDSHIP' WAS FIRST INTRODUCED IN THE UNITED KINGDOM IN 2010 WHEN THE COUNTRY'S FINANCIAL REPORTING COUNCIL INTRODUCED THE UK STEWARDSHIP CODE."

– Mariela Vargova, Ph.D.

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Active **Stewardship**

Nine years ago, in mid-March, Bear Stearns, which in 2007 traded at over $125 per share, was sold to J.P. Morgan for $10 per share in a transaction that many mark as the beginning of, what we now know as, the Global Financial Crisis of 2008. While it is said that the passage of time heals all wounds, the disastrous contagion across the global financial landscape, the collapse of numerous large financial institutions and the loss of public trust in the financial services sector remains on the minds of many. Whether it was opaque counterparty exposure, excessive leverage, insufficient risk management, or a lack of corporate transparency, we now know that these factors in combination led to the near collapse of the entire global financial system. While the financial markets have moved well beyond that terrible day in March of 2008, the public trust of a very large sector of the global economy is still severely marred due to continued bad behavior, lack of corporate transparency, accountability and proper risk management, as well as risky business practices.

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Accountability & **Reflection**

As the Governor of the Bank of England Mark Carney said in 2015, the "crisis and its aftermath laid bare that many of our markets didn't live up to these standards" of transparency, responsibility and accountability, and warned that until markets regain those qualities they cannot retain their social license to operate.[1]

The crisis also underscored the lack of effective shareholder scrutiny of boards of directors and senior management on essential corporate governance issues such as risk management, corporate strategy, independence and long-term value creation.[2] To overcome these shortcomings, the global investment community took on the role of "active stewardship" in capital markets. It started to adopt stewardship codes to engage with companies in seeking to improve business practices and disclosures. These efforts were focused on seeking major reforms towards financial stability and greater corporate responsibility.

2010: **Active Stewardship is Born**

The concept of "active stewardship" was first introduced in the United Kingdom in 2010 when the country's Financial Reporting Council introduced the UK Stewardship Code.[3] According to the code, stewardship means that investors are expected to proactively engage with companies on issues of strategy, performance, risk, capital structure, and corporate governance, including culture and remuneration.[4]

In January 2017, a group of U.S. and international institutional investors with combined assets of $17 trillion followed suit and launched the first U.S. Stewardship Code.

The adoption of stewardship codes in many national markets highlights a new set of responsibilities for shareholders. By signing on, institutional investors commit to closely monitor their companies and to use their voting power to improve corporate behavior. As fiduciaries, investors also commit to be more transparent about their own activities to their clients and other stakeholders.

Today, active stewardship includes many environmental, social and governance (ESG) issues that are priorities for those investing with a sustainability mindset. As fiduciaries, we at Rockefeller & Co. seek to engage with boards of directors and senior management on ESG issues to identify potential long-term business risks and encourage opportunities such as management quality and ethics, human capital and labor issues, climate change and low carbon economy. We believe that such engagements can have a long-lasting impact both on business profitability and competitive advantage.

Beyond the potential long-term investment growth and sustainability benefits of implementing these engagement activities, institutional investors are leading the efforts to rebuild trust in public markets after the financial crisis, starting where the issues were most apparent – the financial services sector.

Embracing Change: **Financial Services Sector**

Borne out of the trauma from 2008 and a new stricter regulatory environment, financial services companies were the first to face this new level of shareholder scrutiny and engagement.

Wall Street came under pressure by regulators and society to take significant steps to change its corporate governance guidelines, business practices and culture.

It may come as a surprise to learn that several large banks led the reform efforts in 2010 by reviewing their business standards and ethics codes and implementing

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"AS THE GOVERNOR OF THE BANK OF ENGLAND MARK CARNEY SAID IN 2015, THE 'CRISIS AND ITS AFTERMATH LAID BARE THAT MANY OF OUR MARKETS DIDN'T LIVE UP TO THESE STANDARDS' OF TRANSPARENCY, RESPONSIBILITY AND ACCOUNTABILITY..."

employee trainings on new values and culture.

One of the largest banks significantly improved public disclosures by adopting new policies and processes on ethics, and publicly committing to high-quality practices to ensure financial stability and economic opportunity.[5] At the core of these efforts was the goal to be client-oriented, with accountability to stakeholders and regulators alike.

It was in the areas of risk management and board oversight that banks made the most visible changes. They created risk committees at the board level and implemented company-wide risk management programs. For example, we saw how a leading bank in the U.S. also established a new position of Chief Risk Officer reporting to the board and tasked with ensuring that incentive programs in the organization do not encourage excessive or unnecessary risk-taking.[6]

One of the largest banks also showed corporate leadership by publicly acknowledging responsibility for unethical practices and recognizing past mistakes.[7] They shifted their focus to identify and monitor "material risk-taking" in their organization and increased managerial oversight. Other banks publicly committed to seeking responsible business growth and to conduct their business in a more transparent way.[8]

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A New Course **for Financials**

Banks and insurance companies play a vital role in our financial system, providing savings, financing, investment, and payment services to consumers and businesses of all sizes. Our modern economy requires a stable, trustworthy, and efficient financial services industry to function and grow. Active stewardship can serve a role in maintaining a strong financial system.

Bank managements should be motivated to pursue best practices, having experienced the consequences of bad behavior long after the Global Financial Crisis. Tighter regulations, enacted in the aftermath of the Global Financial Crisis, including Basel III and the Dodd-Frank Wall Street Reform and Consumer Protection Act, have increased capital requirements and compliance costs for financial institutions. They have also limited aggressive forms of lending and risk-taking.

In addition, banks have also incurred substantial legal penalties for poor conduct ranging from consumer loan servicing, market manipulation, fraudulent activity, and money laundering.

However, while new regulations and legal settlements have placed incremental financial burdens on the financial services industry, banks and insurers have since made substantial progress to comply with new rules and adjusted their business models accordingly. Balance sheets have been reinforced with additional capital and liquidity, and tighter underwriting. While this may limit loan growth, it has also resulted in reduced risk costs in their lending businesses. Banks have added headcount in their compliance and risk control divisions in an effort to monitor and prevent future misconduct.

With a new administration in power in the United States, there is some concern that an aggressive pullback of regulations is imminent. However, we believe that higher quality banks and insurers should remain conservative in maintaining their increased regulatory capital, underwriting standards, and compliance and risk monitoring capabilities, as failing to do so could draw the ire of legislators and regulatory bodies, as well as the general public. This could lead to additional costs through loan losses, further litigation expenses, and even more stringent regulations. We believe that through active stewardship, we can continue to promote responsible practices among these companies.

Going forward, we expect banks and other financial institutions with adjusted business models, that exhibit greater stability in earnings and balance sheet quality to benefit financially in the long run. A reduction of earnings cyclicality should result in higher investor confidence in dividend payouts over time, and financial stocks could see higher valuations as a result. Swedish banks are a prime example. Highly capitalized by global standards, with minimal loan losses in their home market even during economic downturns, Swedish banks have maintained premium valuations (14x to 16x forward earnings, 1.6x to 2x book value) compared to their European peers (many trade at 10x to 12x forward earnings, <1x book value). We believe this represents significant potential upside for long-term investors in the sector.

"OUR MODERN ECONOMY REQUIRES A STABLE, TRUSTWORTHY, AND EFFICIENT FINANCIAL SERVICES INDUSTRY TO FUNCTION AND GROW. ACTIVE STEWARDSHIP CAN SERVE A ROLE IN MAINTAINING A STRONG FINANCIAL SYSTEM."

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Doing Our Part at **Rockefeller & Co.**

Over the past several years, the Sustainability & Impact team at Rockefeller & Co. has implemented active stewardship with the financial services sector. On behalf of our clients, we have engaged with boards of directors and senior management, focusing on the following issues:

- **Implementing strategy on long-term financial stability**
- **Improving transparency over business standards, values and culture**
- **Establishing sound risk management systems and processes**
- **Compensation and incentive programs tied to long-term performance**
- **Implementing new employee engagement and trainings**
- **Sustainable finance and climate related investments**
- **Financial inclusion and access to underserved populations**

As engaged investors, we believe we have made significant progress in many of these areas. We worked together with some of the largest banks in the United States in seeking to improve their disclosures over business standards and encouraged them to embrace ESG in their operations and investments. We continue to monitor their progress through regular meetings and communications.

Despite making significant progress in the areas of governing business risk and regulatory compliance, many financial companies continue to be involved in irresponsible business practices. Such behavior can potentially hurt long-term shareholder value and damage their corporate reputation. This is where we believe our active stewardship and constructive shareholder voice can have the most positive impact.

ROCKEFELLER & CO. HISTORY OF CO-FILING SHAREHOLDER RESOLUTIONS IN THE FINANCIAL SERVICES SECTOR AFTER 2008:

2017 Wells Fargo, Report on Business Standards
2017 J.P. Morgan Chase, Proxy Voting
2015 Bank of America, Separation of Chair & CEO
2014 J.P. Morgan Chase, Report on Business Standards
2014 Bank of America, Report on Business Standards
2014 Wells Fargo, Report on Business Standards
2013 Wells Fargo, Payday Lending
2012 Morgan Stanley, Transparency in the Repurchase Markets
2012 Bank of America, Internal Controls Related to Mortgage Loan
2011 State Street, Separate Chair & CEO
2011 Morgan Stanley, Restore Confidence in the Financial System

Our engagements with the financial services sector are supported by our long-term collaborative work with the Interfaith Center on Corporate Responsibility (ICCR). We also utilize other investor networks such as the UN-backed Principles for Responsible Investment (PRI) and the CERES/Investor Network on Climate Risk (INCR) to engage with companies on sustainability across various sectors.

Finally, the outlook for possible increased deregulation under the new administration could potentially undermine the gains achieved by shareholders through active stewardship and engagements. We believe that institutional investors should be more proactive than ever as stewards of companies and capital markets, and raise their voice in seeking to ensure good governance, accountability and responsible growth.

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[1] http://www.bankofengland.co.uk/publications/Documents/speeches/2015/speech865.pdf
[2] http://www.oecd.org/corporate/ca/corporategovernanceprinciples/43056196.pdf
[3] https://www.frc.org.uk/Our-Work/Publications/Corporate-Governance/UK-Stewardship-Code-September-2012.pdf
[4] https://www.frc.org.uk/Our-Work/Codes-Standards/Corporate-governance/UK-Stewardship-Code.aspx
[5] http://www.goldmansachs.com/who-we-are/business-standards/committee-report/business-standards-committee-report.html
[6] https://www.morganstanley.com/about-us-2015ams/pdf/2015_Proxy_Solicitation_Presentation.pdf
[7] https://www.jpmorganchase.com/corporate/investor-relations/document/How_We_Do_Business.pdf
[8] http://about.bankofamerica.com/assets/pdf/Bank-of-America-2015-Business-Standards-Report.pdf

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THIRD QUARTER
2017

GLOBAL Foresight

Aging Bull

Where we see investment opportunities after eight years of rising markets

BY DAVID P. HARRIS, CFA pages 2-5

Yesterday Once More; Tomorrow Never Knows
BY JIMMY C. CHANG, CFA
pages 6-9

Leveling the Playing Field
BY MICHAEL D. SEO, CFA
pages 10-13

The Promise of Governance Reform – South Korea
BY MARIELA M. VARGOVA, PH.D.
pages 14-15

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Eight plus years into the market recovery, we see valuations extended as most of the gains since 2014 have been driven by multiple expansion rather than earnings growth. In this issue of *Global Foresight,* we highlight potential investment opportunities, as well as challenges to sustaining this bull market. We examine emerging markets with Jimmy Chang focusing on China, and Michael Seo on South Korea. We also comment on corporate governance in an article by Dr. Mariela Vargova.

The Charging Bull

The lifespan of a bull market typically lasts many years, at times ending abruptly. Conversely, the statue now on Lower Broadway known as *Charging Bull* had a very short-lived initial run on Wall Street. It is not widely known that *Charging Bull* was never commissioned by the City of New York nor by any one of its major investment banks. Rather, the three-and-a-half-ton statue was simply unloaded one December day back in 1989 by a private citizen in front of the New York Stock Exchange.

The benefactor was Italian sculptor Arturo di Modica who created *Charging Bull* to demonstrate his belief in the strength of the U.S. economy after the stock market crash in 1987. Hours after di Modica delivered his statue, it was removed by the NYPD and was not expected to be resurrected. This was not the end of this bull's run, however, since its removal generated an amazing amount of media buzz—particularly noteworthy considering this happened before the internet was available to the general public, so "going viral" was not even a concept. After a couple of weeks of public pressure, *Charging Bull* was retrieved and installed at its current home at the intersection of Broadway and Whitehall, where it has been a staple for tourists' photos ever since.

The current equity bull market may have more years left, but its age and valuation make the case worth revisiting. As we assess potential investment opportunities, we see valuations elevated in the U.S. market, while we believe Europe is likely to continue its cyclical rebound. We are also encouraged by political developments on the continent. We believe there are a number of attractive emerging market (EM) opportunities, but are mindful of the challenges most of these once-rapidly-growing economies face. Frankly, it is not just the bull market that is aging; it is most of the world, which has important sociological, economic and investment implications as demographics and debt are likely to constrain long-term global economic growth.

The Challenge of High Valuations

In 1998, professors Robert Shiller and John Campbell conceived the cyclically adjusted price-earnings (CAPE) ratio, which averages earnings over a 10-year period to minimize the impact of economic cycles when valuing equity markets. The CAPE ratio has been widely cited as evidence of U.S. stock market overvaluation. The present U.S. equity CAPE ratio is the highest it has been except during two famous market peaks—1929 and 1999. We believe the CAPE ratio is cause for concern, but not alarm. It most likely suggests that U.S. equities will have subdued future returns. However, unlike the market's prior peaks at the end of the Roaring Twenties or the dot-com era, we do not believe we are in the midst of an economic or market bubble. If there is a benefit to the subdued economic recovery we have recently experienced in the U.S. where GDP growth has been averaging about 2.0%, it is that the economy has not built up the excesses that it did during past peaks in the CAPE ratio. By contrast, during the 1920s, U.S. real GDP growth averaged 4.2%, and from 1996-1999 it grew at least 4.3% in each calendar year. Since the CAPE ratios in those periods calculated off a base of very strong economic activity and earnings, those periods were more susceptible to crashing than today's more muted environment.

NEW YORK POST

SPORTS EXTRA

SATURDAY, DECEMBER 16, 1989

BAH, HUMBUG!

N.Y. Stock Exchange grinches can't bear Christmas-gift bull

LEVERAGED INFLATION

MAGIC DOLLAR

LAST CHANCE TO WIN A BUNDLE

Source: New York Post

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EM Growth?

CAPE ratios are lower outside the U.S., with emerging markets even lower than those in developed markets. While we have been more constructive in recent issues of *Global Foresight* on non-U.S. opportunities, we believe there is limited relevance of CAPE ratios when comparing the very deep, diverse set of companies in the U.S. with most other markets. While valuation from 30,000 feet looks better in many places, there are reasons to discount CAPE as a reliable valuation tool when analyzing smaller markets. As an extreme example, Russia has the lowest CAPE ratio in the world, but its equity market is very concentrated in commodity businesses whose earnings are highly cyclical.

TABLE 1 highlights data from the 10 largest emerging markets, which account for 89.2% of the MSCI Emerging Markets Index. The growth prospects of this group appear surprisingly tepid. The median real GDP growth for the next five years is forecasted at 2.5%, while population growth is expected to be less than 1.0%. The term "emerging markets" was coined in the 1980s, but frankly, most of these economies have already "emerged." The countries with the most long-term economic growth potential are arguably those with young, growing populations—namely, India, Indonesia and Malaysia. However, these countries have small equity markets that, when combined, do not even equal South Korea's in size.

TABLE 1: **KEY DATA FROM THE TEN LARGEST EMERGING MARKETS**

COUNTRY	INDEX WEIGHT	LAST 5 YEAR GDP GROWTH	FORECAST NEXT 5 YEARS GDP GROWTH	ESTIMATED POPULATION GROWTH TO 2021	INFLATION RATE	MEDIAN POPULATION AGE	FISCAL DEBT/GDP	LEADING MARKET P/E	10-YEAR BOND YIELD	SOVEREIGN DEBT RATING
CHINA	27.7%	7.3%	6.4%	0.6%	2.0%	37.1	46.2%	13.6	3.5%	AA-
SOUTH KOREA	15.4%	2.8%	2.7%	0.4%	1.3%	41.2	38.6%	9.7	2.2%	AA
TAIWAN	12.2%	2.1%	2.2%	0.2%	1.4%	40.2	35.7%	13.8	1.0%	AA
INDIA	8.8%	6.3%	7.5%	1.3%	5.0%	27.6	69.5%	18.8	6.5%	BBB
SOUTH AFRICA	7.0%	1.6%	1.5%	1.6%	6.3%	26.8	50.5%	15.9	8.4%	BBB-
BRAZIL	6.7%	-0.4%	1.8%	0.7%	8.8%	31.6	78.3%	12.0	10.7%	BB
MEXICO	3.7%	2.5%	2.4%	0.9%	2.8%	28.0	58.1%	18.7	7.1%	A
RUSSIA	3.3%	0.5%	1.5%	-0.1%	7.1%	39.3	17.0%	5.8	7.6%	BBB-
INDONESIA	2.5%	5.6%	5.3%	1.3%	3.5%	29.9	27.9%	15.7	6.8%	BBB-
MALAYSIA	2.4%	5.1%	4.6%	1.7%	2.1%	28.2	56.3%	17.9	3.8%	A
SOURCE	MSCI *AS OF MAY 31, 2017	BLOOMBERG	BLOOMBERG	IMF/ BLOOMBERG	BLOOMBERG	CIA WORLD FACTBOOK	IMF	MSCI/ BLOOMBERG	BLOOMBERG	S&P
TOTAL	89.7%									
	MEDIAN	2.7%	2.5%	0.8%	3.2%	30.8	48.4%	14.8	6.7%	
	AVERAGE	3.3%	3.6%	0.9%	4.0%	33.0	47.8%	14.2	5.8%	

Sources: Bloomberg, IMF, CIA World Factbook, MSCI, S&P

China is a market that has looked attractively valued at times relative to its growth prospects. However, China has already had a spectacular recovery from a correction that rattled markets globally in August 2015 and again in January 2016. China is the largest emerging market and a vital trading partner for many other key emerging markets, such as Brazil. While China remains an important source of long-term global economic growth, it faces some cyclical and structural challenges that Jimmy Chang discusses in his article.

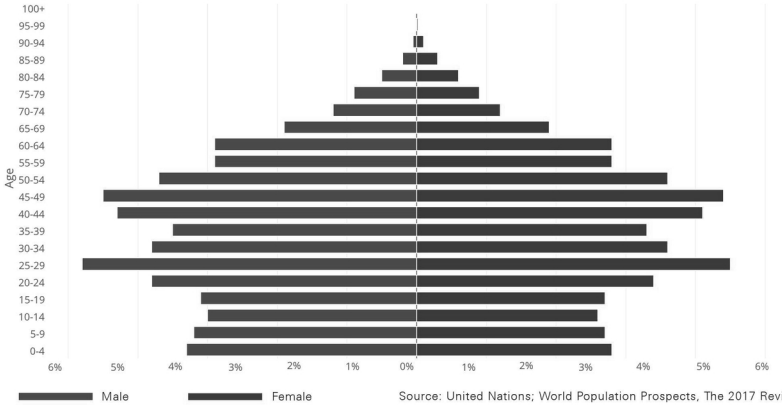
South Korea is an emerging market that has screened well for valuation and poorly for governance. As the second largest emerging market after China, we believe that South Korea is an important economy and source for potential investments. We cover it in more detail in the articles from Michael Seo and Dr. Mariela Vargova.

Aging Populations

A major challenge South Korea and China already face, is an aging population. Countries that are major economic powers are aging rapidly, while most of the youth in the world is concentrated in the poorest nations. One useful country demographic is the median age of its citizens. The U.S., with a median age of 37.9 years (half of all Americans are 38 or older), ranks 62 out of 230 nations, making it one of the older nations in the world, though one of the world's younger developed markets. Aging in the U.S. is dwarfed by comparison to most of Europe and Japan. Japan and Germany have median population ages of 46.9 and 46.8, respectively. Remarkably, if people in the U.S. ceased having kids for the next nine years, only then would we have a median population age approaching those today in Japan and Germany. Europe has a median age of 42.7 as a region and is nearly five years older than the U.S.

HOUSE_OVERSIGHT_012081

CHART 1: **CHINA POPULATION DISTRIBUTION 2015**



Source: United Nations; World Population Prospects, The 2017 Revision

While we consider demographics as an important long-term factor for investing (as discussed in the Third Quarter 2015 issue of *Global Foresight: Investing for the Ages*), in the short run, it is eclipsed by economic cycles and political changes. For instance, Japan's and Germany's economies have each been performing well over the last few years, despite being the second and third oldest countries in the world with the median population age of 47 years (Monaco has the world's oldest population at 52 years). However, in the longer run, demographics factor into economic growth as consumption declines dramatically in your 50s and 60s from where it is in your 30s and 40s. Health care burdens also increase and presumably need to be funded with higher taxes that will eventually weigh on the disposable incomes of younger workers.

> "...in the longer run, demographics factor into economic growth as consumption declines dramatically in your 50s and 60s from where it is in your 30s and 40s."

The largest emerging market, China, has a median age comparable to the U.S. and arguably has far worse demographics as China faces a big decline in new workers over the next ten years when the number of retirees may exceed the number of new entrants into the labor force as shown in CHART 1.

South Korea is the oldest emerging market with a median age of 41. East Asian economies, including Japan, have grown over the years due to migration from villages to urban centers, resulting in productivity gains that have fueled economic expansion. Although this migration may continue a while longer, EM investors should understand the reality that the economic growth case outside of South Asia and Southeast Asia is mostly limited to productivity gains. India has the best demographic profile of any major emerging market as shown in CHART 2, with progressively younger population brackets getting steadily larger, indicating a stable increase in labor force for long-term economic growth.

Young Ideas

Japan has seen a long, steady economic recovery behind the market-friendly policies of Prime Minister Abe. The U.S. has experienced slow but consistent growth, arguably being driven more by its culture of innovation and leadership in the tech sector that has led its market's returns. By comparison, Europe has been plagued by infighting and rotating economic and political crises for most of the last nine years. In addition, when we consider the challenges to growth Europe faces longer-term as a result of its aging populations, it would seem difficult to make the case that the bull market centered in the U.S. may see its next leg driven by its counterparts across the Atlantic. However, we see the European continent energized by the electoral success of 39-year-old Emmanuel Macron, who not only won the French presidency in May, but also a strong party majority in its legislative body, the National Assembly. This mandate should pave the way for economic reforms that we believe investors will embrace. It is a massive change in sentiment from six months ago when markets were fearing the "anti-European Union" rhetoric of since-defeated Marine Le Pen.

Unifying Europe is no easy task, but the best chance appears to be in the hands of a political outsider with pro-business and economic policies that manage to be sufficiently mainstream to keep France from fracturing into far-left and far-

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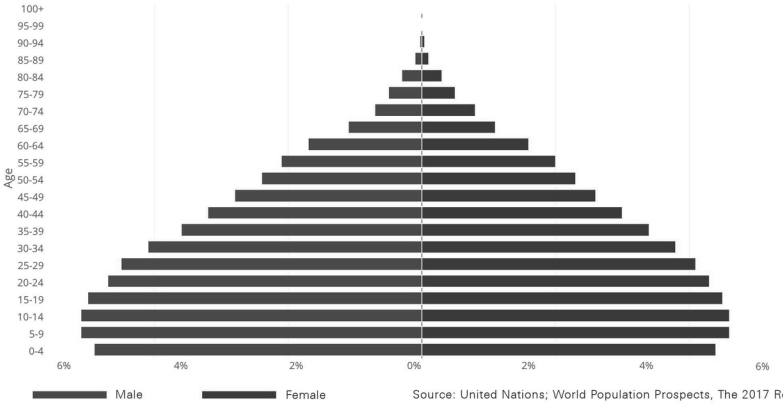
CHART 2: **INDIA POPULATION DISTRIBUTION 2015**



Source: United Nations; World Population Prospects, The 2017 Revision

right camps. So far, Macron has fostered a good rapport with German Chancellor Angela Merkel, whom we expect to be re-elected in September. The political risk in continental Europe is now centered in Italy, but we were encouraged that its far-left Five Star Movement suffered key defeats in recent regional elections, which could bode well for their next national election, likely to occur next spring.

In addition to Italy, Brexit remains a large political risk for 2018 as the weakened Tories will be negotiating with at best a tenuous alliance with the Democratic Unionist Party (DUP) and at worst may face another election and lose power altogether. We believe it is too soon to make major portfolio shifts based on Brexit, but we are watching this closely as substantial progress in negotiations will need to materialize months ahead of the March 2019 deadline. By this time next year, we would expect to see traction in negotiations and stability in Parliament or begin to consider reducing exposure to the British pound and companies exposed to that economy.

Aging Business Models

The "FANG" stocks—Facebook, Amazon, Netflix, and Google—have disrupted countless business models while seeing their own revenues and market values soar. Empty storefronts from Manhattan to malls in Middle America are evidence of the disruption facing rapidly aging business models like brick-and-mortar retail. When you include Apple and Microsoft in the FANG stocks, the six companies account for 12.83% of the S&P 500 Index. At the start of this bull market on March 9, 2009, these companies had a market value of $326 billion. Today, their market value is $2.97 trillion. Their sheer size alone suggests that they cannot keep compounding like they have. To maintain its ascent, the U.S. bull market will need new sectors to emerge as market leaders. The challenge will be economic growth. Companies that disrupt mature businesses, like many of the FANG stocks have, typically have not relied on a robust global economy to generate their amazing revenue growth. Most other sectors in the S&P 500 Index, however, would likely benefit from a stronger economy.

Summary and Conclusion

Many bull markets have interesting back stories as to how they begin and end. The latest bull market can arguably be traced back to March 9, 2009 when the CEO of Citibank, Vikram Pandit, released a memo to employees announcing that the company was having its best quarter since early 2007. The market embraced that memo as a sign the worst was over, especially for the beleaguered banking sector. The S&P 500 rallied from that day and eight years later is up nearly four-fold. As we consider future returns, valuation matters. In March 2009, the S&P 500 was selling for roughly 10 times depressed earnings and is now selling for about 18.7 times. The U.S. market leads the world in innovative companies and is priced for it.

As we look for opportunities overseas, we see political fortunes improving in Europe with some lingering headwinds that may appear in 2018. We could argue the same in the U.S. as the leadership in the House of Representatives can easily switch parties next year. If Europe can continue its economic improvement, we see the potential for more gains ahead for the region after a robust start to 2017.

The emerging markets offer some attractive valuations, but are not likely to be a panacea for global growth as the largest ones face the same challenges of aging and maturing development that confront most of the developed world. This bull market may keep moving, but like all of us past a certain age, not at a pace that we are used to. ●

HOUSE_OVERSIGHT_012083

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Yesterday Once More; Tomorrow Never Knows

China's housing boom once again fueled global growth, but how long will it last?

Let us begin with a trivia question—what was the most consequential publication in 1776? With this article being published around July 4, you would probably think we are hinting at the *U.S. Declaration of Independence*. That would be a good response, but unlike the laws of physics or mathematics, there is not exactly a right answer to such a question.

One could also point to a book published on March 9, 1776, that has had a transformative impact over time. It has a long title: *An Inquiry into the Nature and Causes of the Wealth of Nations,* and is generally referred to as *The Wealth of Nations*. This seminal work supposedly took Scottish economist and philosopher Adam Smith 10 years to complete, and was based on notes and observations spanning 17 years. It challenged the mercantilist and physiocratic economic theories that dominated the intellectual debate during the mid-18th century. Mercantilist theory held that countries grow wealthier by maximizing domestic production and exports, and was the basis for European imperialism. Physiocratic theory postulated that the wealth of nations was derived from the value of agricultural and land development, and could trace the inspiration to China's agrarian traditions.

The Wealth of Nations marked the birth of modern capitalism and also had an influence on our Founding Fathers. James Madison cited the treatise in arguing against the need for a central bank in 1791; Thomas Jefferson referred to it as the best book on money and commerce. In February 1977, in celebration of America's Bicentennial, the Federal Reserve Bank of Richmond published the paper *The Relevance of Adam Smith.* It pointed out the striking similarities between the intellectual spirit of *The Wealth of Nations* and the *Declaration of Independence.* Both railed against the heavy hand of the state, and emphasized individual liberty and the harnessing of individual self-interest to the welfare of the greater society.

So it is perhaps a tie between these two publications. One gave birth to modern economics that created the greatest prosperity in human history, and the other marked the founding of arguably the most powerful and wealthiest nation ever.

Do Not Bet Against the House

At around the time that America celebrated its Bicentennial, China reached a historic turning point. Chairman Mao passed away in September 1976, and a month later, the arrest of the Gang of Four marked the end of the decade-long Cultural Revolution. Deng Xiaoping then returned to power and embarked on reforms that powered roughly 10% real GDP growth per annum for the next four decades and lifted more than 800 million people out of poverty. Today, the Chinese economy is the largest in the world based on purchasing power parity.

Interestingly, China's rise had little to do with Adam Smith's free-market capitalism. While China's unprecedented economic ascension was indeed fueled by unleashing the energy and the profit-seeking self-interest of the individual, its development has always been shaped by the government's heavy hand. Successive Five-Year Plans, which first started in 1953, continued to guide social and economic development, and key industries remained mostly state-owned. Some argued that China has been pursuing a mercantilist policy in building up its manufacturing base to drive exports and accumulate foreign exchange reserves. Indeed, its share of global exports has remarkably grown from about 1% in 1980 to around 15% by 2016, the largest in the world. Some claimed that China even produces more sombreros than Mexico.

In the wake of the Global Financial Crisis in late 2008 and early 2009, China realized that the country's growth model could no longer depend on external demand, and responded by unleashing massive stimulus for infrastructure projects. It worked so well that China's growth skyrocketed, asset prices shot up, and the housing market became overheated. Globally, China's reflation and the Fed's quantitative easing generated an echo bubble in commodities and emerging market stocks.

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By early 2011, China had to cool the economy and tackle the rising leverage and speculation. Policymakers also declared a shift in China's growth model to be more consumption-driven. The transition probably turned out to be more complicated than Chinese policymakers may have expected. Unlike the infrastructure-driven growth model under which the pace of growth could be controlled by adjusting the pipeline of construction projects, a consumption-driven model would let the "invisible hand" of self-interested consumers exert more influence. In other words, a consumption-driven model would cede more control to market forces and experience more unpredictability. While variability in realized growth versus projection is a fact of life in the rest of the world, Chinese officials have sought to minimize this uncertainty as the failure to hit growth targets could affect confidence.

With an estimated homeownership rate around 90% and many families holding multiple apartments as investments, China's housing market has an outsized impact on wealth, consumption and construction, as well as the general economy. As shown in CHART 1, the rapid housing price increases in 2010 and 2011 prompted regulators to cool the housing market, which resulted in price declines in 2012. However, the slowing economy soon pushed them to relax home purchase restrictions. Predictably, housing prices rebounded as a response, with double-digit increases in tier-one cities, prompting measures to tame the bubble once again by 2014.

It is quite clear that there is a momentum-driven herd mentality among Chinese buyers, as expressed in the Chinese adage "buy up market, not down" (买涨不买跌).

In an attempt to wean investors off real estate and channel their capital to highly leveraged state-owned companies, policymakers engineered a stock market rally in the second half of 2014. As the rally gained momentum, the herd flocked in (buy up market, not down) and pumped up a huge stock bubble that eventually blew up by mid-2015. This was followed by the renminbi's official devaluation in August 2015 to alleviate the pressure from the surging U.S. dollar.

Confronted with slowing economic growth, declining foreign exchange reserves, rising capital flight, and a collapsing stock market, Chinese policymakers shelved the reform agenda and went back to the proven playbook—infrastructure and real estate buildout. China even eased property investment rules for foreign institutions and individuals. The result was perhaps the biggest housing bubble ever in China's tier-one cities—prices surged over 30% year-over-year by the spring of 2016. It is as if China was validating the old physiocratic economic theory which postulated that the wealth of a nation lies in its land development.

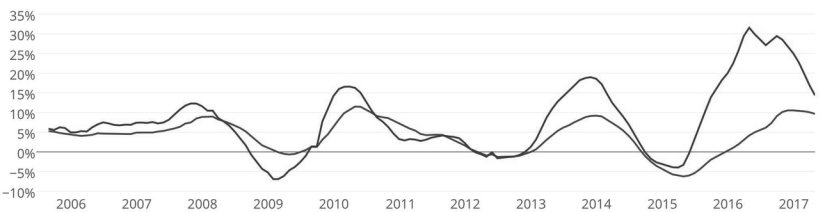
For years China has justified its rapid property price increases on the basis that it is just catching up to global metropolises such as London, New York, Hong Kong, Tokyo, etc. The latest price surge has indeed accomplished that and more. For example, a run-of-the-mill two-bedroom apartment in Beijing's financial district now costs more than $2,000 per square foot. Skyrocketing domestic property prices have also distorted many Chinese investors' views of foreign properties—they are bargains relative to prices in Beijing, Shanghai and Shenzhen. It is no wonder Chinese investors have bid up property prices in many major cities around the globe. As a sign of the times, Warren Buffett's Berkshire Hathaway HomeServices has recently teamed up with China's Juwai.com to bring American residential property listings to China.

An Under-Appreciated Reflation Story

According to a U.S. State Department memo released by WikiLeaks, when Chinese premier Li Keqiang was serving as the party secretary of Liaoning Province in 2007, he supposedly told a U.S. ambassador that he did not have confidence in the provincial GDP data. He preferred to monitor three indicators to assess the state of the local economy: the rail freight volume, electricity consumption and bank loan volume. In 2010, *The Economist* introduced the Li Keqiang Index, which takes the weighted average of these three metrics' annual growth rates to track Chinese economic growth.

The Li Keqiang Index has indeed tracked the direction of China's reported GDP data as shown in CHART 2. There was a clear growth deceleration in 2015 and a strong rebound in 2016.

CHART 1: **YEAR-OVER-YEAR CHANGE IN CHINA NEW PROPERTY PRICES**



Source: Bloomberg

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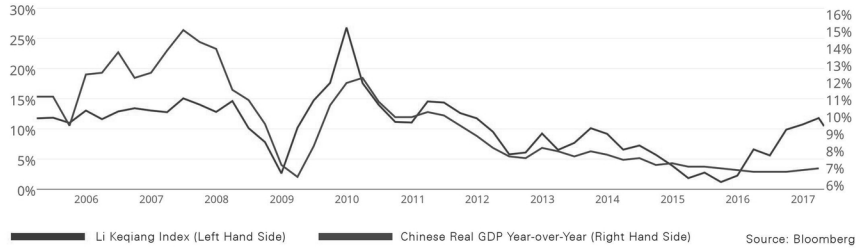
CHART 2: **THE LI KEQIANG INDEX VERSUS CHINESE REAL GDP GROWTH**



Furthermore, CHART 3 shows that, directionally, the Li Keqiang Index maps pretty well to the ebb and flow of Chinese property prices, confirming the thesis that property prices have much impact on the Chinese economy.

A close examination of CHART 2 raises an interesting observation: Lately, the Li Keqiang Index has accelerated much more than the reported GDP growth. One could surmise that China's actual GDP growth (measured on a year-over-year basis rather than on an annualized sequential change) may have been greater than the reported 6.9% in the first quarter of 2017. This could be rationalized by the conjecture that the actual growth in early 2016 may have been lower than the reported 6.7%.

One indicator of China's strong growth is the year-over-year changes in its imports as shown in CHART 4. Imports surged 24% year-over-year in U.S. dollar terms, and 31% in renminbi terms during the first quarter of 2017. To be fair, part of the surge was due to the rebound in commodity prices. However, China's $58 billion import from Germany and Japan, two non-commodity countries, was still up an impressive 17% year-on-year. In the first quarter of 2016, China's imports from those two countries had declined 10%.

We believe China's strong reflation, thanks to the infrastructure buildout and the unprecedented property price increases in major cities, may have been the most impactful yet under-appreciated catalyst that fueled the synchronized global economic recovery since the summer of 2016. The good news is that China's growth is likely to remain healthy for the remainder of 2017, as stability is paramount ahead of the quinquennial power transition this autumn. However, the uncertainty starts to rise as we look beyond 2017.

Shadow Boxing

Over the past few years, China watchers have been urging Chinese policymakers to introduce bold reforms and market forces to tackle the country's rapidly growing leverage, over capacity, and housing bubble. However, with stability being of utmost importance, policymakers could not afford to take a chance with the market's invisible hand. Tough reforms in the context of slowing economic growth also ran the risk of jeopardizing social stability. Now, however, with the economy on a much stronger footing, Chinese policymakers have started to push through some needed reforms.

CHART 3: **LI KEQIANG INDEX VERSUS YEAR-OVER-YEAR PRICE CHANGE IN CHINESE PROPERTIES**

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With Chinese President Xi calling for a heightened effort to reduce systemic financial risk, regulators have started to tackle the bloated shadow banking system. Since taking office in February, Guo Shuqing, China's top banking regulator—with the nickname "Whirlwind Guo" for his no-nonsense management style—has already issued a series of directives to reduce leverage. For example, banks were asked to implement higher standards for interbank lending and for selling third-party wealth management products (a primary source of funding for the shadow banking system). In April, China's top insurance regulator was detained for corruption, and the regulatory agency has since taken disciplinary actions against some high-profile insurance companies that have deviated from the core insurance business by using shorter-term funding to finance corporate takeovers, as well as overseas acquisition sprees.

Tomorrow Never Knows

While we believe China's economy should hold up well going into the 19th Party's Congress this autumn, its growth is likely to decelerate, and the lagged effects of the tightening measures on the shadow banking system and on the housing market could become quite visible by 2018. Housing price changes could be flat or even negative by this time next year.

If the past is any guide, Chinese policymakers may once again loosen property purchase restrictions next year to stimulate growth. Therein lies the moral hazard—it is well known that Chinese policymakers would not risk a sizeable correction in the housing market, and therefore would reflate again to strengthen economic growth. However, with property prices in China's tier-one cities already on par with or even exceeding those of major global cities, it will be hard to rationalize another round of substantial price increases. In other words, using the property market as a lever to stimulate economic growth is not a sustainable long-term solution.

CHART 4: **YEAR-OVER-YEAR CHANGE IN CHINESE IMPORTS (BILLIONS OF USD)**

Source: Bloomberg

These measures have driven up China interbank lending rates, as well as corporate bond yields. The squeeze on the shadow banking system has led to a big jump in aborted bond issuance. In May, China's net corporate bond issuance dropped to a record low of *negative* 217 billion yuan as some bond issuers were unable to roll over their maturing bonds.

On the housing front, various cities have rolled out new administrative measures with the aim of keeping housing prices flat. A few cities even resorted to the draconian measure of a *10-year* lock-up period for new apartment purchases—buyers of new apartments built on recently auctioned off land are prohibited from selling their units for a decade.

China has also continued to stem the capital outflow. Starting this July, Chinese banks and financial institutions have to report all domestic and overseas cash transfers of more than 50,000 yuan ($7,700), compared to the prior threshold of 200,000 yuan ($29,338). Funds transferred overseas are prohibited from purchasing properties, investments, and insurance products. Various new restrictions have also been placed on Bitcoin trading exchanges, as well as overseas use of credit cards. In short, it appears that capital flight from China will get somewhat more difficult for ordinary citizens.

Although equity volatility picked up some in June, most equity investors still appeared to be basking in the glow of a synchronized global recovery. However, the canary in the coal mine may be iron ore: having rallied from the December 2015 low of $37.50 per metric ton to nearly $95 in February 2017, it has lost roughly 30% to $65 a metric ton by the end of June.

In the final analysis, the global economy has benefited from China's rapid growth. However, China will likely be at a crossroads as President Xi embarks on his second term in 2018. Will policymakers inflate the housing bubble further to support economic growth? Will they find new levers to keep the economy growing above 6% per annum, or will they settle for a lower but more sustainable pace? The law of large numbers portends that the next five years will likely be more challenging for Chinese policymakers than the last five years. ●

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Leveling the Playing Field

Investment opportunities in the changing South Korean landscape

South Korea has grown over the last 50 years from a poor mostly agricultural economy to a powerful exporter with the 11th highest GDP in the world. Its growth has been built on the back of its *chaebol* system – conglomerates of companies that are family-controlled, often spread across multiple industries. While this structure has served Korea well in terms of rapidly developing its industrial base, it has also been associated with ongoing governance issues. The risks associated with investing in Korea have historically resulted from its stock market having a much lower valuation than those of comparable economies.

As an example of recent governance issues, consider that Chey Tae-Won, chairman of the SK chaebol, had been serving a four-year prison sentence for embezzling $40 million from the SK companies. He was pardoned by former President Park Geun-Hye in the summer of 2015 and soon found himself back in the familiar leadership role of his family conglomerate. Political actions such as this pardon or nepotism within large publicly traded corporations are common, if not expected, in Korea. Throughout its history, the nation's gyrating politics and powerful businesses maintained a symbiotic relationship that propelled tremendous GDP growth while tarnishing the political reputation of a nation. The cultural and regulatory disregard of misconduct is at the root of Korea's corporate governance, especially among the chaebols.

The five most recognizable chaebols as shown in CHART 1 (Samsung, Hyundai, SK, LG, and Lotte) collectively represent over 50% of the market capitalization of the Korea Composite Stock Price Index (KOSPI) and 47% of its revenues. Samsung Electronics alone represents a 21% share of the KOSPI market capitalization and 21% share of employees which is emblematic of the chaebols' influence in Korean society.

During Park Geun-Hye's 2012 presidential election campaign and political career, Ms. Park had been critical of past presidents who had abused the power to pardon individuals and sought to limit the government's role in granting pardons. Her decision

CHART 1: **CHAEBOL % SHARE OF THE KOSPI INDEX**

Source: Bloomberg

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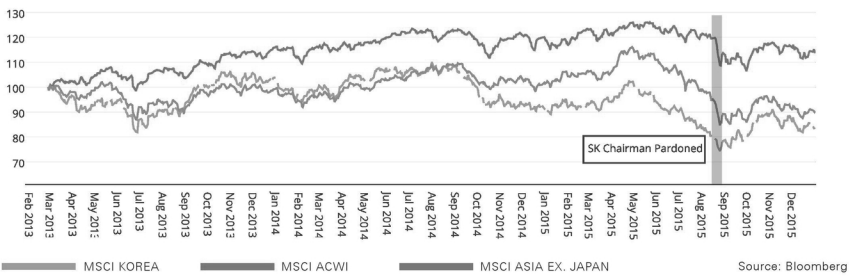
Pyongyang, North Korea, is home to the largest stadium in the world with a seating capacity of over 114,000. Source: Getty Images

to release Chey Tae-Won accelerated the demise of her political career. Ironically, she finds herself in prison awaiting trial while the Korean stock market continues to trade at a discount to peers. In addition, MSCI Korea's relative valuation is also suppressed by the mercurial behavior of North Korea whose recent missile tests have dominated global headlines.

A truly embarrassing South Korean political scandal emerged in the fall of 2016 when a journalist discovered a computer belonging to a personal confidant of President Park Geun-Hye. The contents of the device, belonging to Choi Soon-Sil, revealed that she had access to confidential presidential documents including speeches that were ultimately altered and influenced by Ms. Choi Soon-Sil. In the weeks following this revelation, the mighty chaebols of Samsung, Lotte and SK were once again linked to the current political impropriety. It is alleged that members of these chaebols (among others) were coerced into contributing large sums of money to a foundation established by Ms. Choi Soon-Sil in order to maintain a positive relationship with President Park Geun-Hye.

The Korean stock market languished as a result of President Park Geun-Hye's miscues as shown in CHART 2. The performance of the MSCI Korea Index starting from the beginning of President Park Geun-Hye's term was down 25% by late August 2015, which coincided with Mr. Chey Tae-Won's pardon in the week prior. The Korean market drastically underperformed the MSCI Asia ex. Japan Index which was down 14% and the MSCI ACWI Index which was up about 9% during that period. Korea's recursive political environment was frustrating for many Koreans. It is widely believed that chaebols sapped the entrepreneurial vigor of small business owners and young adults who were experiencing unemployment rates of over 9%. However, the decision to impeach President Park Geun-Hye on

CHART 2: **PERFORMANCE SINCE PARK GEUN-HYE INAUGURATION**



Source: Bloomberg

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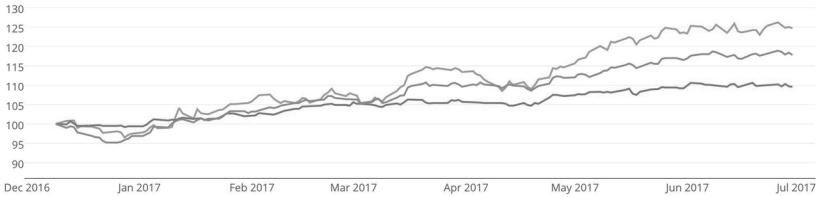
CHART 3: **PERFORMANCE SINCE DECISION TO IMPEACH**



MSCI KOREA MSCI ACWI MSCI ASIA EX. JAPAN Source: Bloomberg

December 9, 2016 proved to be a pivotal point for the country. The large-scale protests seeking a permanent change from the cronyism that runs rampant within Korea were finally being heard.

It is no coincidence that since December 9, 2016, the MSCI Korea Index has outperformed as shown in CHART 3 the same indices it lagged during President Park Geun-Hye's tenure. Investors and Korean citizens alike were finally sensing hope with the leading presidential candidates. Moon Jae-In's eventual victory on May 10 secured the belief that a president in the Blue House was working for the people and not exclusively for the chaebols.

President Moon Jae-In has increased investor expectations for corporate reforms and it is critical for the nation to continue down this path of weakening family ties that maintain a stranglehold on the Korean economy. President Moon Jae-In has quickly appointed key members for advisory and cabinet roles that are aligned with the vision of eliminating corruption, enhancing corporate governance, and revitalizing a fractured economy.

"President Moon Jae-In has increased investor expectations for corporate reforms and it is critical for the nation to continue down this path of weakening family ties that maintain a stranglehold on the Korean economy."

Korea's decision to install the Terminal High Altitude Area Defense system (THAAD) under the prior administration resulted in escalating political tension between China and South Korea. In the weeks leading up to President Park's impeachment hearings, China discouraged its citizens from traveling to Korea and restricted the sale of Korean consumer goods. President Moon Jae-In has moved swiftly to improve the crumbling relationship with China by reevaluating the deployment of the system. A friendly call with President Xi Jinping after his election gradually improved the relationship and is expected to help navigate the complex political relationship with North Korea.

President Moon Jae-In, who was once the Chief of Staff to President Roh Moo Hyun (1998-2008), assisted President Roh in implementing the "Sunshine Policy." The Sunshine Policy was an attempt by the South Korean government to engage North Korea with a softer, humanitarian stance in an effort to build a peaceful relationship. President Moon will likely reengage communications with North Korea in a similar manner.

The president appointed Jang Ha-Sung, formerly the dean of Korea University's Business School, to the position of Chief of Staff for Policy. Jang Ha-Sung is a familiar face within the world of corporate reform as the founder of the People's Solidarity for Participatory Democracy (PDSD), a civil organization pursuing shareholder reform. The PDSD was formed in the late 1990s and successfully fought for minority shareholders in legal battles against SK Telecom, Samsung Electronics, and others.

Another governance advocate with a boisterous history of shareholder activism, Kim Sang-Jo, a professor of economics at Hansung University and executive director of "Solidarity for Economic Reform" (SER) was appointed as the Head of the Fair Trade Commission (FTC) in early June. Kim Sang-Jo and Jang Ha-Sung are longstanding allies in the field of corporate activism with Mr. Kim succeeding Mr. Jang as first chairman of PDSD's future organization in 2006.

The Korean stock market has been a star performer in 2017 with the KOSPI up approximately 24%, year-to-date in $USD basis and outperforming neighboring markets, such as Japan,

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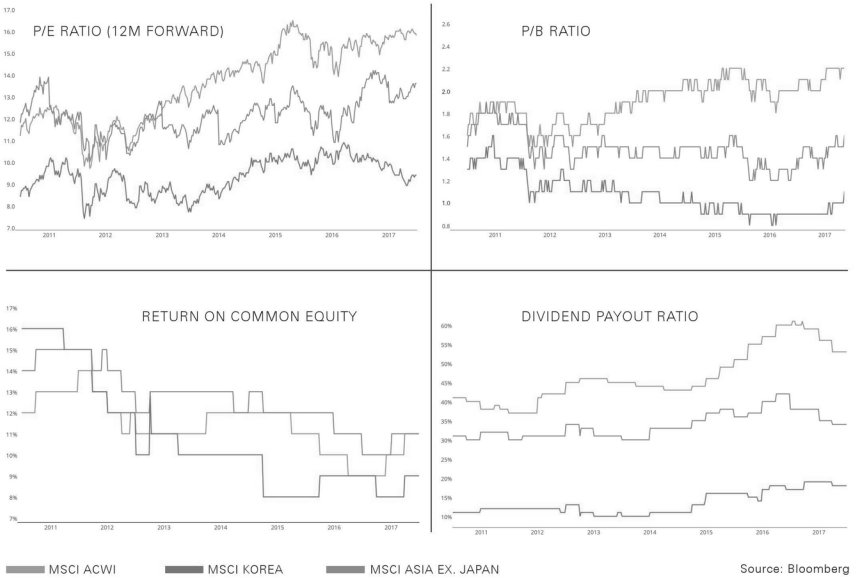
CHART 4: **REGIONAL VALUATIONS**



Source: Bloomberg

Hong Kong and China. Despite the recent strong performance, the market is still inexpensive relative to other regions and indices. MSCI Korea's price-to-book (P/B) ratio of 1.1x and price-to-earnings (P/E) (12 month forward) ratio of 9.4x are 30% and 31% lower than MSCI Asia ex. Japan Index, respectively as shown in CHART 4.

Three Korean industry groups or sectors currently offer compelling relative valuations when contrasted against other geographies. The Korean Automobiles and Components industry group currently trades at a P/B ratio of 1.0x which compares favorably to Japan's P/B ratio of 1.4x. When comparing the automobile original equipment manufacturers (OEM), Korean OEMs trade at a P/B ratio near 0.5x book, which is a steep discount to their Japanese rivals. The Korean Automobiles and Components industry group appears undervalued when you also consider the fact that the five-year average return on equity (ROE) was 14.4% versus 11.8% for the Japanese group.

Utilities is another sector where the valuation disparity is stark. Korea's largest electricity producer currently trades at a P/B ratio of 0.4x despite three stellar years of strong operating margin and prudent capital discipline. By comparison, the Japanese utility sector currently trades at P/B ratio of 1.0x with the Tokyo regional electricity producer trading at a P/B ratio of 0.6x despite ¥10 trillion of possible unreserved liabilities stemming from a 2011 nuclear disaster. Finally, Korean banks are currently trading at a P/B ratio of 0.8x, which compares favorably to Japan's 1.0x and Italy's 0.9x. It is estimated that the loan portfolios of the Korean banks have improved in recent years as evidenced by improving ROE. In the most recent fiscal year, Korean banks generated ROE of 7.7%, outperforming Japan's 7.5% and Italy's 6.7%.

These discrepancies in valuation have just started to close with the new president and the formation of his cabinet, but Korean market multiples have the potential to converge closer to global levels with a successful execution of corporate reform. We are not advocating that the new government implement heavy-handed methods to incite change among the chaebols. Instead, we believe that working with the chaebols in enhancing governance, minimizing cross holdings, creating board independence and minority shareholder protection, would be well received by global investors and mostly rewarding to chaebol valuations. For a further look at corporate governance in South Korea, please see the following article by Dr. Mariela Vargova.

HOUSE_OVERSIGHT_012091

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The Promise of Governance Reform—South Korea

In his inauguration speech on May 10th, the newly elected South Korean President Moon Jae-In vowed to put chaebol reform at the forefront of his political and economic agenda. "Under the Moon Jae-In administration," he asserted, "the collusive link between politics and business will completely disappear."[1] The promise of meaningful governance reform comes in the wake of the biggest political corruption scandal in Korea that saw the impeachment and the arrest of democratically elected President Park Geun-Hye on charges of "collecting or demanding $52 million in bribes"[2] from Samsung, one of Korea's largest family-owned conglomerates, known as chaebol.

The presidential scandal in Korea also led to the latest high-profile corporate arrest in the country. In February, Jay Y. Lee, vice chairman and acting leader of Samsung's conglomerate empire, was arrested on accusations of bribery to former President Park and her inner circle in exchange for securing a controversial merger of Samsung Construction and Trading Corporation and Cheil Industries. While the image of a handcuffed Lee sent shockwaves across the business world, his arrest was not unprecedented. In the past, his father Lee Kun-Hee, current chairman of Samsung, was convicted twice of corruption and pardoned. Similarly, in 2007, Hyundai's Chairman Chung Mon-Koo was found guilty of fraud and pardoned. And in 2013, SK's Chairman Chey Tae-Won was convicted of embezzlement and later pardoned.[3] The family-owned conglomerates have long dominated the economic life of modern Korean society, accounting for roughly 50% of the total share of the Korean stock market. Their close ties with the government and state bureaucracy have fueled growing public distrust and frustration with the nation's leadership and has led to increased shareholder discontent.

Korea's Governance Practices

The collusion of politics and business in Korea highlights the poor practices of corporate governance and business ethics. Corporate governance studies on Asia consistently rate Korea as lagging in governance behind leaders in the region.[4] Korea underperforms its peers in the areas of board independence, ethics and transparency in corporate governance.

Korea, however, has not always been viewed as the laggard in Asia's governance landscape. Right after the Asian Financial Crisis of 1997-1998, the country underwent important governance reforms that sought to quickly and significantly increase corporate board independence and the overall governance of publicly-traded Korean companies. For instance, the proportion of listed firms with at least one outside director grew from 34% in 1999, to 62.3% in 2000, to reach 94% in 2007.[5] In 2001 and 2003, the country's Security Exchange Acts required large listed companies (those with about $2 billion in market capitalization) on the Korea Exchange and KOSDAQ to have at least three outside directors and for one half of their boards to be independent. In 2004, the board independence requirements were further strengthened with the stipulation that there be a majority of independent board directors for large companies. This is on par with leading international best practices in corporate governance. The Korean Commercial Code also stipulates that outside or independent directors must not be related to management while acting as fiduciaries.[6] This resonated with the impetus towards greater board independence to mitigate the role of corporate insiders and create new independent auditing structures within Korean corporations.

In 2012, the Korean Commercial Code was revised to further enhance the board's fiduciary duties. It required the approval of two-thirds of directors for all internal transactions and for new business dealings with third parties. If transactions or deals benefit founding families or management at the expense of minority shareholders, the approving directors will be personally liable for the losses.[7]

Notwithstanding these developments towards good governance, ethics controversies involving Korean chaebols surged over the past several years. A prime example is the notorious Hyundai Motor land bid in 2014 for which the company paid the excessive price of $10 billion, three times the land's market value of $3 billion, angering investors and hurting shareholder value. According to reports, while the boards of directors of Hyundai consortium companies voted to unanimously approve the deal, the company's outside directors were kept in the dark about the price as it was considered by management to be a confidential matter. All these instances point to a serious lapse in the

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enforceability of existing corporate governance rules and a lack of accountability. They call into question the true independence of the boards of Korean conglomerates and the ability of outside directors to effectively oversee management and protect all shareholders' interests.

Recent research on Korean-listed companies shows strong social ties between independent directors and management of Korean conglomerates. While 87% of boards are in theory independent, only 62% are when one considers social ties.[8] The composition of Korean boards also poses concern as the percentage of directors with business or management backgrounds has decreased from 45.2% in 2004 to 28.4% in 2011.[9] This, while the number of former public officials has sharply increased from 2.7% in 2004 to 8.9% in 2011. Interestingly, in Korea's boardrooms, the inclusion of professors and lawyers as independent directors has become common. The need for stronger independent oversight and monitoring of management is especially important for Korean chaebols as they concentrate the managerial power into the board's chairman, a member of the founding family. The chairman's control over all subsidiaries of the conglomerate through the management council and appointment of management of all affiliated firms has been a serious concern for minority shareholders seeking more accountability and managerial transparency.

> "With the adoption of a Stewardship Code, our expectations are that shareholders in Korean equities, and especially in chaebols, will use their voice more actively to promote positive governance change and long-term shareholder value creation."

Protecting Shareholder Interests

At the core of Korea's governance challenges lies a structural problem at the chaebol: the complex system of cross-shareholdings. On average, the founding family of Korean conglomerates owns about 10% of the parent company's shares, while other listed subsidiaries own more than 30%.[10] The founding family is a shareholder in the other chaebol subsidiaries, and the subsidiaries reciprocate by owning shares in the other companies. The circular ownership structure has been of investor concern as it provides a framework for related party transactions and potential conflict between family shareholders and external shareholders. For many, these concerns have been factored into what has been called for over a decade the "Korean discount."

With the promise of sweeping governance reform by the new President Moon Jae-In, foreign investors are looking today for better protection of minority shareholder rights and stronger constraints on chaebol businesses. On the politico-economic reform agenda are topics such as: 1) reforming the Korean Commercial Code by mandating separate elections for audit committee members, 2) allowing shareholders of parent companies to sue directors of subsidiary firms, 3) lowering eligibility thresholds for filing representative lawsuits, 4) regulating compensation for controlling shareholders and management, as well as 5) introducing mandatory electronic and cumulative voting.[11]

One of the most ambitious goals includes proposed amendments to Korea's Monopoly Regulation and Fair Trade Act, introducing constraints on chaebol businesses and banning all existing circular ownership structures of chaebols within three years.[12]

The calls for big governance reform in Korea were first publicly voiced by chaebols' shareholders themselves. In 2015, at Hyundai Motor's annual general meeting, shareholders openly confronted management about the controversial land deal and proposed a new governance committee to strengthen oversight and accountability. In an unprecedented fashion, their shareholder action prompted the company to set up a separate Corporate Governance and Communication Committee consisting of four independent directors, and to engage in shareholder outreach. In 2016, Hyundai Motor officially announced its new "Corporate Governance Charter" in an effort to enhance transparent business management and to promote shareholder rights.[13] Similarly, in November 2016, Samsung announced a "Comprehensive Roadmap to Enhance Long-term Shareholder Value Creation," committing to improve governance by increasing its board's independence, as well as the diversity and breadth of experience of its directors.

Changing Korea's Business Culture

The expected governance reform in Korea is an opportunity not only to disentangle politics from business, but also to create better institutional protection for all shareholders. It also serves as an opportunity to change the culture of investing in the country.

In February, Korea's Financial Services Commission introduced the country's first Stewardship Code, encouraging big investors like pension plans and asset managers to actively engage with investee companies and to monitor their management decisions. This trend towards investor stewardship and active ownership echoes the progress already made in other Asian markets such as Japan, Hong Kong, Malaysia, the Philippines, Singapore, and Thailand. With the adoption of a Stewardship Code, our expectations are that shareholders in Korean equities, and especially in chaebols, will use their voice more actively to promote positive governance change and long-term shareholder value creation. ●

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ROCKEFELLER
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MONTHLY Market Review

November 1, 2017

A "Vixing" Puzzle

Market's unusual lack of volatility;
Be fearful when others are greedy

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October has historically been a spooky month in which some of the biggest market declines took place – the crash of 1929, 1987's Black Monday, the financial crisis of 2008, etc. This October, however, there were only treats and no tricks – the biggest one-day movement for the S&P 500 Index during the month was a 0.81% gain, and the biggest down day had a mere 0.47% drop. That said, there was quite a bit of turbulence among individual stocks. The Information Technology sector had a huge month, with the so-called FANG stocks (Facebook, Amazon, Netflix, Google) leading the way up, while some old economy bellwethers and the much beleaguered brick and mortar retailers took a beating. The rising hope of U.S. tax reform and the continued strength of the global economic expansion lifted U.S. Treasury yields as well as commodity prices from oil to copper. The U.S. reflation expectation also boosted the greenback. European sovereign bond yields and the euro declined after ECB President Draghi announced a reduction in monthly asset purchases starting in 2018, but promised a longer duration of QE. China completed its quinquennial leadership transition at the conclusion of the 19th Party Congress, which should usher in a new era with more focus on the quality of growth over the quantity. President Xi now awaits President Trump's State visit to Beijing on November 8th. Investors will likely be focused on issues ranging from trade to North Korea, though major breakthroughs appear unlikely. Lastly, there is still one unresolved sleeper issue that may come back to roil the market – will a new bipartisan deal be reached in time to fund the U.S. government beyond December 8th, when the current continuing resolution expires?

Equity Markets Indices[1]	9/30/2017 Price	10/31/2017 Price	MTD Change	YTD Change
MSCI All Country World	487	497	2.0%	17.7%
S&P 500	2519	2575	2.2%	15.0%
MSCI EAFE	1974	2003	1.5%	18.9%
Russell 2000[R2]	1491	1503	0.8%	10.7%
NASDAQ	6496	6728	3.6%	25.0%
TOPIX	1675	1766	5.4%	16.3%
KOSPI	2394	2523	5.4%	24.5%
Emerging Markets	1082	1119	3.5%	29.8%
Fixed Income				
2-Year US Treasury Note	1.49%	1.60%	12	41
10-Year US Treasury Note	2.33%	2.38%	5	-7
BarCap US Agg Corp Sprd	1.01%	0.95%	-6	-28
BarCap US Corp HY Sprd	3.47%	3.38%	-9	-71
Currencies				
Australian (AUD/$)	1.28	1.31	-2.3%	6.3%
Brazil Real (Real/$)	3.16	3.27	-3.3%	-0.5%
British Pound ($/GBP)	1.34	1.33	-0.9%	7.6%
Euro ($/Euro)	1.18	1.16	-1.4%	10.7%
Japanese Yen (Yen/$)	113	114	-1.0%	2.9%
Korean Won (KRW/$)	1145	1120	2.2%	7.6%
US Dollar Index (DXY)	93.08	94.55	-1.6%	8.1%
Commodities				
Gold	1280	1271	-0.7%	10.3%
Oil	51.7	54.4	5.2%	1.2%
Natural Gas, Henry Hub	2.89	2.80	-3.0%	-24.0%
Copper (cents/lb)	296	310	4.9%	23.8%
CRB Index	183	188	2.4%	-2.6%
Baltic Dry Index	1356	1534	13.1%	59.6%

SOURCE: BLOOMBERG

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The Original Big Short

The Amsterdam Stock Exchange, founded by the Dutch East India Company in 1602, is recognized as the world's oldest stock exchange. It facilitated a secondary market to trade stocks and gave rise to trading clubs during the mid-17th century where speculators would congregate. Messengers would rush to and from the exchange to update pricing to customers.

In 1867, the invention of the stock-ticker machine, also known as the ticker tape, obviated the need for messengers. Stock transaction data was transmitted by telegraph to a ticker tape that would continuously print out abbreviated company names (ticker symbols) followed by the price and volume data. Thomas Edison later upgraded the system to reach a printing speed of one character per second. Ticker tape eliminated the need for messengers and allowed people to trade in "real time" from long distance.

> The combination of elevated investor complacency and a tightening Fed makes the market vulnerable to a pullback.

In 1900, 14 year-old Jesse Lauriston Livermore started working as a quotation board boy in the Boston office of Paine Webber. His job was to update the board with information coming off the ticker tape. He became interested in the behavior of stock prices and began recording price movements that enabled him to spot patterns prior to sizeable advances and declines. A fellow office boy later talked him into speculating on a stock on margin at a bucket shop. Two days later, Jesse sold the position with a $3.12 profit. He soon quit his job and started trading for a living.

Jesse made his first $1,000 (around $27,600 in today's dollars) at the age of 15. He was later banned by most bucket shops in Boston as he had outfoxed many of the shady operators. By the age of 20, he had accumulated $10,000. Then came the big payday – the Panic of 1907 – during which Jesse shorted the market and made $1 million ($25 million in today's dollars). He would top this feat and live up to the reputation as "The Great Bear of Wall Street" by shorting the market in 1929 for an astounding $100 million profit ($1.43 billion in 2017!), making him one of the richest men in the world.

Unfortunately, the concept of diversification probably never crossed Jesse's mind. He somehow managed to lose all his money and was bankrupt by 1934. The bankruptcy resulted in an automatic suspension of his membership on the Chicago Board of Trade. In 1940, the legendary trader, suffering from depression, shot himself in the cloak room of Manhattan's Sherry-Netherland Hotel.

Rise of the Machines

How things have changed from those simpler days when humans were doing the trading. Today, with the advent of technology, market activity is dominated by passive and various quantitative strategies. It is estimated that fundamental discretionary investors now account for only 10% of the trading volume. Big inflow into major ETFs prompted buying across the board regardless of company specific issues and valuations. Big data and machine learning are the new buzz words. *Forbes* recently featured a quant fund run by three twenty-somethings. Their assets under management was in the low tens of millions of dollars, yet they averaged $1 billion in transactions, or 10,000 to 40,000 trades each day. Since there are only 86,400 seconds in a day, this fund would generate a trade every 2.16 to 8.64 seconds if it worked around the clock. Much of the decision making and trade execution, of course, has been taken over by software algorithms. These whiz kids employed statistical arbitrage trading strategies in stocks and currencies, and closed out all trading positions at the end of each day.

The allure of sophisticated computer models trouncing their human competitors has continued to attract inflow to quant funds. It is estimated that quantitative hedge funds now manage more than $1 trillion, about one-third of the $3 trillion hedge fund industry. While there are indeed brilliant quant managers who have delivered strong returns over a long period of time, the sheer size of the industry means there are likely more pretenders than contenders. Given that many funds employ similar strategies (e.g., trend following), a reversal in trend could create disruptive market movements, not to mention the threat of rogue algorithms wreaking havoc on the market.

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A "Vixing" Puzzle

Equity volatility has been unusually low for much of 2017. The Volatility Index (VIX), which measures the implied volatility of S&P 500 Index options and has been viewed as a barometer of equity market volatility, has drifted to all-time lows. Over a span of more than 7,000 sessions going back to the start of 1990, the VIX Index's average and median closing values have come out to 19.4 and 17.6, respectively. It was a rare occurrence for the VIX to collapse below 10 – there were only 9 such occasions out of 6,802 trading sessions prior to 2017, or 0.13% of the times. Year-to-date in 2017, however, there were already 35 sessions with the VIX closing below 10.

Another way to look at the lack of volatility is to tally the number of trading sessions when the S&P 500 Index had a daily change of more than 1% in either direction. There were only 8 such sessions so far in 2017, compared to 48 and 72 such occasions in 2016 and 2015, respectively.

It seems ironic that the market should be this steady with arguably the most mercurial and unconventional president in modern history at the helm atop the free world. Perhaps investors have grown numb to all the chaos and controversies. It is as if Washington's dysfunction and a divided America were just fodder for the hyperventilating media, and markets were behaving as if all will be fine when the Republicans pass the tax reform to prime the pump for the 2018 mid-term elections. Time will tell if this period of eerie calm is prescient or misguided.

Unintended Consequences

The decline in market volatility has made shorting against the VIX futures and various VIX ETPs (exchange-traded products) quite popular and profitable in recent years. The net short position on VIX futures has progressively climbed to new highs over the last couple of years. Another phenomenon was the rise of "volatility control" investment strategies, supposedly favored by many hedge funds and insurance companies. These strategies in essence adjust a portfolio's allocation between equity and cash to maintain a targeted level of volatility at the portfolio level. In an environment of declining volatility, more assets would be allocated to equities – the equity allocation would even exceed 100% when the market's realized volatility is below the targeted volatility. On the other hand, as volatility ticks up, the equity allocation would be scaled back.

While these strategies have enjoyed strong returns during this stretch of progressively lower equity volatility, they may be planting the seeds of a market correction. Market makers and dealers on the other side of the growing short VIX trades would need to employ various S&P 500 option strategies to hedge their long VIX positions. There is the concern that a decline in the S&P 500 Index could trigger adjustments to these hedging positions that would exacerbate the market decline. Similarly, should volatility suddenly spike up, the aforementioned volatility control strategies would be cutting equity exposures concurrently, which could amplify the market decline similar to the downward selling pressure that the so-called portfolio insurance products generated during the crash of 1987. We wonder if any investors and regulators truly appreciate how these strategies, in concert with various rapid fire trades generated by machine-learning based algorithms, could impact market movement and liquidity should there be an exogenous shock. Only time will tell.

Fear vs. Greed

There is an adage that one should be fearful when others are greedy and greedy when others are fearful. Judging by the depressed levels of the VIX Index, the enthusiastic speculation over bitcoin as well as other variants of cryptocurrencies, and surveys that indicated strong investment sentiment, it is clear that greed has been on the rise. Can this euphoria continue for a while longer? Of course. However, in our opinion, the combination of elevated investor complacency and a tightening Fed makes the market vulnerable to a pullback, though the timing of it is hard to predict. The aforementioned issues with various trading strategies could further add fuel to fire in the event of a market decline. That said, with the macro and earnings backdrop remaining positive, we would view potential selloffs as a buying opportunity rather than the start of a protracted market downturn. ●

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BARRON'S PENTA

Rock of Ages

Family-wealth advisor Rockefeller & Co. was hit by both the financial crisis and the death of its CEO. Not only did it survive, it thrived.

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By RICHARD C. MORAIS
September 15, 2012

John D. Rockefeller's family office, Rockefeller & Co., was founded in 1882. It began selling its expertise to other families in 1980, and by mid-2008 it had $28 billion of clients' assets under its hood. Then came a tragic event that could have brought the firm to its knees. In September 2009, as the financial crisis raged, Rockefeller's chief executive, James S. McDonald, shot himself behind a car dealership in Dartmouth, Mass.

While world markets continued their downward spiral, it took a year for the Rockefeller Family Trust, which owns 100% of the multifamily office's voting rights, to get McDonald's successor in place.

It's hard to imagine a more dangerous situation for a financial-services firm to be in. Destabilized from within and without, most wealth managers in such circumstances would have been unable to contain the stampede of clients heading out the door. And yet, Rockefeller's assets under advisement and administration actually rose 52%, to $35 billion, in the three years through this past June. Client retention since the 2008 recession has been 97%, 1% higher than in the entire past decade.

"Despite the turbulence of the period when I stepped in, it was a remarkably strong franchise and business," says Reuben Jeffery III, Rockefeller's CEO for the past two years. "It was a real testament to what had been created by generations long before me, including most of the people who are still here today."

Penta's rare peak inside Rockefeller reveals that, for all the outward signs of serenity, the firm is hardly on autopilot. Jeffery, looking every bit the Wall Street incarnation of Cary Grant, is a former Goldman Sachs partner who in 2007 went to work as George Bush's undersecretary of state for economic, energy, and agricultural affairs, after first serving as the president's post-9/11 special advisor for Lower Manhattan development.

In June 2008, Société Générale Private Banking closed on its purchase of a 37% economic share in Rockefeller & Co. Needing to strengthen its balance sheet during the recent euro crisis, the French bank has been under pressure to shed noncore assets. Therein lay an opportunity. This summer Jeffery quietly midwifed the sale of Société Générale's stake to Lord Jacob Rothschild's RIT Capital Partners. That closed-end fund is the investment vehicle for the London branch of the Rothschild family, and has 1.9 billion pounds ($3 billion) under management. The deal is expected to close at the end of this month. It's a union that should provide some valuable marketing opportunities. In these unsettled times, it's easy to imagine rattled new wealth wanting to tap the joint expertise of these experienced families that have managed to keep their heads down

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Reuben Jeffery III, Rockefeller Financial's CEO *Evan Kafka for Barron's*

and their assets intact over several generations and right through the upheavals of history.

Any new clients will be dealing with Rockefeller Financial Services, the trade name of Rockefeller & Co. Some $7 billion of Rockefeller Financial's $35 billion pile are "assets under management"; the rest are assets under advisement or administration. Rockefeller provides its 298 clients either financial, trust, and tax advice, and the like, or service through its portfolio-tracking product for wealthy families, Rockit Solutions.

Rockefeller offers financial products from other firms but still believes in running its own funds in 10 core areas, such as global equities and fixed income. David Harris, Rockefeller's chief investment officer, says large multinationals with their triple-A ratings and mountains of cash need to be viewed as "the new sovereigns" during a period when government finances are deteriorating. The firm claims that its global funds are stars, but it keeps a lid on details. Prodded by Penta, Rockefeller reluctantly produced a "confidential" performance sheet on its 10 core funds but barred us from publishing the results. We can confirm that out of 10 offerings, seven global-equity and small-cap funds have consistently outperformed indexes over long periods of time.

One area of Rockefeller & Co. know-how has been built out of the Rockefeller family's 50-year record of integrating environmental, social, and governance concerns into its portfolio and investment decisions. Last fall, for example, Rockefeller hooked up with the Ocean Foundation, a nonprofit focused on marine conservation, to find "profitable investment opportunities that restore and support the health and sustainability of the world's oceans."

Through such distinctive offerings, Jeffery hopes to reel in new money, both family and institutional. "We're talking to sovereign entities," he says. "They have pools of capital that need to be deployed, and they need to find competent, trustworthy managers in [relevant] areas of investment activity."

Fees for managed assets invested in house funds typically run from 1% (for up to $25 million in assets) to 0.5% (over $50 million). Rockefeller targets families with $30 million; new clients are generally subject to a minimum $100,000 annual fee. Pure investment advice on a $50 million to $100 million portfolio typically costs 40 to 60 basis points, says the firm's president, Austin V. Shapard. Rockefeller has priced its services, he says, for "a fair profit margin, not a crazy one."

Portfolio-tracking service Rockit deftly handles exotics like intrafamily loans and the fluctuating price of ranch cattle. Its 23 clients typically pay 3 to 7 basis points on the $13 billion that runs through the Rockit platform. This, too, is a hidden asset that Jeffery is leveraging into a boutique powerhouse.

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From: J [jeevacation@gmail.com]
Sent: 5/7/2019 4:29:00 AM
To: Nicholas Ribis [redacted]

https://www.nytimes.com/2019/05/06/us/politics/trump-inauguration-stephanie-winston-wolkoff.html?action=click&module=Top%20Stories&pgtype=Homepage

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IN THE CIRCUIT COURT OF THE FIFTEENTH JUDICIAL CIRCUIT, IN AND FOR PALM BEACH COUNTY, FLORIDA

CASE NO.: 502009CA040800XXXXMBAG

JEFFREY EPSTEIN,

Plaintiff,

vs.

SCOTT ROTHSTEIN, individually,
BRADLEY J. EDWARDS, individually,
and L.M., individually,

Defendants.
_____/

NOTICE OF FILING

COMES NOW the Defendant/CounterClaimant, BRADLEY EDWARDS, by and through his undersigned counsel, and hereby files the attached transcript of the telephone interview of Virginia Roberts to supplement the proffer made in support of Counter-Claimant's Motion for Leave to Amend to Assert Punitive Damages.

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished by U.S. Mail to all Counsel on the attached list on this 17 day of May 2011.

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PRIVILEGED PURSUANT TO FS 766.205(4) and/or WORK PRODUCT

TELECON

PARTICIPANTS: **JACK SCAROLA**
BRAD EDWARDS
VIRGINIA ROBERTS

RE: **Edwards adv. Epstein**
291874

DATE: **April 07, 2011**

JS: Virginia, Jack Scarola and Brad Edwards

BE: Hi Virginia.

V: Hi Jack! Hi Brad! How you guys doing?

JS: We're doing fine, thank you. I'm sorry for all of the trouble and before we go any further, let me tell you, if I have your permission, I have started a tape recorder and I want to be able to tape this conversation from the very beginning. Is that alright with you?

V: Sure, that's fine, Jack. No problem

JS: Ok, good, thank you. I appreciate that. Let me start off by introducing myself. I know that Brad has spoken to you about me but I am Brad's lawyer, and I assume that you can confirm that you and I have never had any communication before. Is that right?

V: That's correct.

JS: Alright. I have, however, gotten some information from Brad about conversations that you have had with him, and that will enable me, hopefully, to make this a little bit more efficient and take up a minimum amount of your time while still getting the information that we think is going to be helpful to us and to any jury that might ultimately have to hear these facts.

So, let me begin by asking you first to tell us what your full name is.

V: Virginia Louise Roberts. That's my maiden name. My married name is Virginia Louise [redacted].*

JS: Could you spell your last name for us? That is your married last name:

V: [redacted].*

JS: Alright, thank you, and where are you living right now?

V: I live in Australia.

JS: And how long have you resided in Australia.

V: This is my 19th year.

JS: That is where you are right now, correct? We've reached you in Australia for this phone conversation?

V: That is correct, yes.

JS: And what time is it in Australia right now?

V: I think it's about 9:00 now.

JS: Ok. That's 9am, correct?

V: That's correct.

JS: Alright. Virginia, the reason for this conversation is because it is our understanding that you know a man by the name Jeffrey Epstein, and I want to begin by asking you please to tell us about the circumstances of your first meeting Mr. Epstein.

V: Ok. I was introduced to Mr. Epstein by Ghislaine Maxwell. I was working at Donald Trump's spa in Mar-a-Lago and I was prompted by Ghislaine to come to Jeffrey's mansion in Palm Beach that afternoon after work to make some extra money and to learn about massage. She met me at the spa, and I was reading a book about anatomy, so I was already interested in massage therapy as it was and not having any of the education or you know anything behind me, I thought this was a great opportunity to work for her and go. So, I went to Jeffrey's mansion about 5 or 6 in the afternoon. My dad drove me there. My dad worked at Mar-a-Lago with me, and he met Ghislaine and she seemed like a nice, proper English lady, and she knows, I mean, you know, one time then _once before I left to travel overseas, she just seemed really nice and like she would like to help me out. So my dad left, and I had no problem getting home that night, one of her drivers would take me back after my trial. So she led me upstairs, and into Jeffrey's bedroom, and past that is Jeffrey's massage room, which has got his steam room and a shower and a massage table, and there is actually an extra room that has, that nobody knows about it, it's kinda like a secret room and it's got a whole bunch of decorative pictures of pornographic literature and sex toys and I can ___?___ what happened in there.

JS: When you say that the room was hidden, Virginia, how was the room concealed?

V: It wasn't like a door that you would normally go into, like some kind of special opening, you open that and then a little door, so it looks like it's a little closet so-to-speak, but when you walk in there, it's obviously a lot bigger than just a closet. It wasn't too big, but it was bigger, you know. It wasn't a gigantic room, it was just like a small room, which you know, it probably could fit some shoes in there, _it had racks of shoes, boxes, some sweatshirts neatly folded, and the ceiling to the floor was covered in pornographic pictures of the girls that he had met.

JS: When you say…

V: So anyways, that was getting there, and I was introduced to Jeffrey, he was laying naked on top of the massage table, and obviously for one, I'm a 15 year old girl and seeing him on the table was weird but, also learning about anatomy and massage, I thought this would be part of it. So obviously, I thought it was part of the massage program, so I said ok, this is fine. And, he then instructed me on how to touch the body, Jeffrey's body, how to massage him, and for the first hour, it was actually a real massage, maybe not an hour, maybe like 40 minutes or something, but of something like that _and that's when he turned over on the other side and to expose himself fully. So then Ghislaine told me that she wanted me to undress and began to take off my shirt and skirt, my white uniform from Mar-A-Lago, she also took off her shirt and got undressed, and so I was there with just my undies on, and she was completely bare, and made some kind of little flake about the underwear that I was wearing because it wasn't my normal sexy girl underwear and just like, I don't know, had red hearts on it or something like that; just your normal, you know, real cute underwear. Anyways, so during all of this I'm kind of like what's going on, how do I act, what do I say, I was so afraid of, not afraid or fearful for my life but _unsure of how all this started and wanting to obtain a profession_ I was so afraid thinking about upsetting and disappointing them, I don't know, it's a weird situation by far and I was expected to _Lick his nipples, instructed on how to do so by J.E_ and give him oral sex while he wanted to fondle me, and then at the end, I was told by Ghislaine to get on top and straddle Jeffrey sexually, and when we were done, we went and had a shower in the room and Jeffrey told me to wash him up and down, you know with a bar of soap and make sure he was all cleaned up. And then he took me downstairs and took me to two of the guards and told John to bring me home. John was the butler at the time.

JS: Let me interrupt you for just a moment there if I could, Virginia. You mentioned as you were recounting those details that you were 15 years old at the time. What is your date of birth?

V: August 9th, 1983

JS: And can you tell us please, as best you're able to estimate it, what the date was when this first encounter occurred?

V: I've got it written down. It's like - I'm not good with math – hold on – I thought I wrote it down but I didn't. I'm not too sure, I think it was 1998 off the top of my head and around June of 1998, I would say as I was turning 16 at the end of the summer.

JS: Alright. You talked about the room where Jeffrey had the pornographic photographs. Did you actually see that room on the occasion of your first visit there?

V: No, I got to see that room a few visits after but I was just trying to describe that room to you guys so you knew exactly what room I was talking about.

JS: Another question for you, and I don't mean to be prying into your personal life, and if I ask you any questions at all that you're uncomfortable answering, then you just tell me that and we'll move on, because I appreciate your cooperation and the last I thing I want to do is impose upon that cooperation, but can you tell us please just generally what kind of sexual experience you had had prior to this confrontation with Jeffrey?

V: Yeah, sure. A close family friend has sexually abused me, and I was on the streets at 13 years old. I was picked up by a 67 year old man named Ron _Eppinger_ who did exactly what Jeffrey did with me abuse and violate my youthfulness _ & I was with him for 6 months. So, he was gone and then I had this boyfriend who was like my school friend from young days but we just kept in contact with each other and we were on and off constantly, and that was Tony Figeroua_, and there was also another younger guy was near my age, Michael, I can't remember his last name, but yeah, there, I mean, there wasn't like a string of men or anything, but there was Ron, like I told you, and he was the first guy expecting me to do so-called disgusting affairs. Jeffrey actually knew Ron, which was quite weird when I told Jeffrey the story about Ron, and Jeffrey had actually met him, and yeah. Anyway, just another story, and yeah, there were a couple of men, but that gives you an idea.

JS: Now when you described the photographs in the room as pornographic, tell me just a little bit about the photographs, if you would please? First, how many of them were there?

V: At least 100, and like I said, they covered the room from the ceiling, not the ceiling but from the top of the edge of the wall to the bottom of the floor. I want to say at least a hundred, even more, there could have been more in the boxes _Some of them were A4_ photographs, like the large size, some of naked women posing, you know, positions, sexy positions. Others were, you know, some girls had bikinis on, and it wasn't so pornographic, but it was all women, and it was all in a sexual nature.

JS: Were there photographs where more than one person appeared?

V: Oh yeah, plenty of them. There were lots of naked photographs, I mean I was just trying to give you a visual range. There was anything from 5x6s to 4x8s to 8x4s. Some of them

had frames, some of them were out of frames, but they were all, like I said, they were all women, they were all sexual in nature.

JS: Was it your impression that there were a hundred photos of a hundred different people or were there multiple photos of the same woman or girl?

V: There was definitely a lot of different girls. I mean it wasn't easy to sit there and say, you weren't finding 5 girls out of some photos, no. Were there a hundred different ones? There could have been pictures of some girls, I really couldn't get close necessarily to actually recognize faces or anything like that. But if you, you know, the range of them were all different, majority of them were different, yeah.

JS: Did there ever come a point in time when you became aware that a photograph of you had been added to the collection?

V: Yes, there was. Ghislaine took several nude photographs of me for Jeffrey. So, yeah, there were pictures of me and there were pictures, he wasn't shy, that wasn't the only place in his house that he kept the photos. He liked photos all over his house. If you looked in his den or on his desk or in on the hall table, a giant hall table in his house, there were at least a hundred photos of girls in frames. Not all of them were naked, a lot of the ones that were all around his house were not naked girls posing pornographically, some were pictures of celebrities and politicians he had known_or things like that or had pants on or whatever, but yeah, there was a lot of mixed photographs in the outside ones.

JS: Were there any photographs of girls or young women that you knew or that you subsequently came to know that you saw in the house?

V: Yeah, yeah, there was. There was pictures of Nadia Bjournik_____, pictures Sarah Keller, pictures Emmy, pictures of me, pictures of the regulars, but a lot of the girls, sometimes Jeffrey could have like 7 girls a day, and he would only see those girls once if he got bored. I don't know. These weren't my days. I heard he's gotten a lot sloppier since I left. So, I don't know anyways, but when I knew him, there was just a, it seemed, there was such an influx of girls coming in and out, so did I recognize a lot of them? Maybe, maybe not, but then they were all definitely beautiful, they were all ranging in age, some of them young, some of them older in their 20's, I mean it was just they were all beautiful.

JS: You've told us about the first visit. Was there any discussion on the occasion of that first visit about your returning?

V: Yes, they were very pleased with me and after the encounter was finished, the sexual encounter, he went and told me I did well and I have a lot of potential to become a massage therapist and if I'd like I could return tomorrow, you know, and do the same thing and get paid $200/hr, so Jeffrey insisted that I come after work, and over the next few days, I guess the relationship grew into more, and within a couple of weeks, not even

a couple of weeks, maybe a week, I had quit Mar-a-Lago and I was working for Jeffrey full time.

JS: Ok, let's talk about your job at Mar-a-Lago, if we could. You said that your Dad was working there. What was his position at Mar-a-Lago?

V: He was a maintenance supervisor I think is what it was called? He like managed the tennis courts and air conditioners and things like that.

JS: What is your Dad's full name?

V: Sky William Roberts.

JS: And is he still living here in South Florida now?

V: No, he's not, he's in California.

JS: Ok. Is your Dad aware of what is currently going on with regard to your having made public statements about your relationship with Jeffrey?

V: Yes, he is well aware of it. I told my family even before all this stuff came out, because they were the first ones contacted by the journalists from Mail on Sunday. I know that they the Mail on Sunday printed that I had gone out and tried to, I mean I think one of the photos said that I was angry that I saw Jeffrey and the Prince walking together and that is why I came out and went public with everything. Not true. I mean, I am angry about how they are still up to their old ways together and that they're still hanging out but I didn't contact the Mail on Sunday and I didn't bring it out. I figured that everyone was going to bring it out anyway and I better bring it out the right way. He's known everything from the start, and my family is very supportive with everything going on.

JS: I'm kind of going to jump around a little bit and I apologize for that, but since the subject has come up, tell me first of all why you are providing this cooperation to us, and I am certainly very appreciative of it, but I want you to tell us why it is you've chosen to spend time with us on the telephone and provide this information that you're now providing.

V: I'm out to help the bigger picture, you know, I think all of us can make a big difference in a lot of other people's lives and I think that this has gone on long enough and it's a big slap in my face that he can get away with hurting me so bad let alone so many other girls and laugh about it. I guess I talked to you guys out because I want to see the right thing happen, not just to him, but I want people in the world to understand this is not the way of life, you know, it's not acceptable to go out procure young girls and make them think that, this is the way you should be living and that's all. Yeah, I guess my reason for doing it is to help the bigger picture, you know, I'm a big believer in karma and I believe that good things will come back to you, so I guess that's why I'm doing this.

JS: Just for the record, neither Brad, nor I, nor anyone representing that they have anything to do with us has made any promises to you. Is that correct?

V: That is correct. I'll tell you, since this is our first conversation, that nobody has made me feel like I've been bribed or bought or had to say anything. I've told you anything that I know from my own self, not some things somebody told me. If anything, Brad's been extra careful not to tell me anything and let me do all the talking, so it's quite opposite I think.

JS: Alright. Let's get back then to the story of your relationship with Jeffrey, and we've talked about your first encounter with him and how it evolved from that into your full time employment with Jeffrey, but what were you doing at Mar-a-Lago before you quit Mar-a-Lago?

V: I was just a locker room attendant and sometimes I did babysitting for the rich and famous. So, I wasn't anything big. I worked in the spa area. That's why I was studying anatomy, because I was really really interested in becoming a _massage therapist_, and at the locker room, I didn't do much. I mean I was making tea for a living, I would, you know, make sure the toilet paper had a little triangle in it after everybody went to the toilet, or wipe down the water from the basin, you know, it was a very easy peasy job.

JS: Did you get that job through your Dad?

V: Yes, my Dad got me the job.

JS: Ok, and you were only 15 years old at the time, were they aware of how old you were at Mar-a-Lago?

V: Of course, definitely. We had to go through extensive, you know, we even had to get drug tested and id test and so on and so forth. I mean, Mantas (?) is very strict on employment, yeah, everybody knew.

JS: Ok. Was there ever any conversation with Ghislaine about how old you were before you were taken to Jeffrey's mansion?

V: No. She didn't ask me how old I was from the start, but when I did get to Jeffrey's mansion, it was discussed how old I was.

JS: With whom?

V: During the entire hour of what I call the legitimate massage I was giving him, it was cat and mouse games getting information from me to find out who I am, am I a willing participant in these kind of things, and how would I react if they were about to take the next step. But they got information off of me, they got my age, they got my, a little bit of my history so they knew I was, you know, not very stable at home, and they knew that,

you know, I was actually interested in making my life better by studying so what they were offering me was a chance to become a legitimate masseuse but it was getting trained. They would have people show me how to work the body and be called a massage therapist and get me books on it, and you know, keep me interested, and every time, you know, I was with Jeffrey, literally was about massages, I don't mean just going in and have sex with him. I mean massage, because it would always start out with massage and then it would lead into sometimes other things.

JS: Alright, once this evolved into full time employment, what did full time employment mean?

V: That was entirely having to travel with Jeffrey in every city. When he was in Palm Beach, I stayed at my apartment, and he would call me to his house once or twice a day sometimes, and that's, you know, do things with him. Sometimes we'd go out shopping, sometimes we'd go out and watch a movie. You know, simple things like that, go to an expo or a fair, whatever it was. But when we were in other cities, I was at my apartment_, I lived with him full time. What I mean by full time is even in the middle of the night, I could get a ring on my phone next to me and tell me to come in his room, you know, so it was literally full time.

JS: When you say that when you were in Palm Beach you were living in your apartment, were you living on your own or were you living with members of your family at that time?

V: No, after I quit Mar-a-Lago, Jeffrey offered to get me an apartment in Palm Beach somewhere, Royal Palm Beach, and it was a nice apartment. He furnished it for me, it was absolutely beautiful, but yeah, that's the only time I would spend time away from him really.

JS: This apartment was on Royal Palm Beach Boulevard or out in the Village of Royal Palm Beach?

V: I so honestly don't remember. I've been trying to rack my brain because the FBI was asking the same thing and were trying to find it, but yeah, I'm Not sur_. I didn't get to spend as much time in it, I was only there about an entire week out of every month probably, but the majority of the time I was with Jeffrey anyways. It was somewhere in Royal Palm Beach. I don't know about Royal Palm Beach drive. I don't even remember the Royal Palm Beach drive anymore so I'm not too sure.

JS: Ok, let me see if I can draw the distinction for you and maybe that will help you to help us? Royal Palm Beach is a village that is…

V: No, no, no, I got Royal Palm Beach, I just didn't know the Royal Palm Beach Drive, like what street it's off of. Were you talking about a street?

JS: Yes, I was talking about a street. Royal Palm Drive is on the island of Palm Beach, and it's a street that is lined with large royal palm trees, and I'm wondering if this was an apartment on the island or was this an apartment out west of town…

V: No, it was actually in Royal Palm Beach, not on the island.

JS: Alright.

V: I would be driven, it was closer to my family than it was closer to him. I wanted to be close enough to everybody else so that when I was in town, I could just go see them quickly.

JS: Ok. So we're not talking about Royal Palm Boulevard. We're talking about the town of Royal Palm west of town. Jeffrey got you an apartment out there.

V: That's correct.

JS: When he was in Palm Beach, you were generally not staying at the mansion, you were staying at the apartment that he got for you out west of town.

V: That's correct.

JS: Ok.

V: I mean then there was times, I don't wanna say that every time I stayed at my apartment. There was times we'd fly back from some city maybe too late at night to really want to go back home, so you know, it's like 12:00 at night or 1:00 in the morning. I was just staying in the yellow room, or something like that; one of the guest rooms in Palm Beach. But majority of the time, I would definitely want to get back to my own apartment.

JS: Alright. What were the general hours of your full time employment when …?

V: There was not set hours. It wasn't like logging, and you know, hitting the shift button, nothing like that. The way I would get paid would be, ok, if I was in Palm Beach, I would get $200 an hour to massage Jeffrey or some of his friends and then go home. So it would be like that. If I was traveling with him, it would be per massage, so I would be getting paid per day. So I wouldn't be getting paid on an hourly rate. He wouldn't say ok, today you're going to work for me from 7:00 in the morning until 8:00 at night. It never like that. I was on call all the time.

JS: When you were here in Palm Beach, were you actually getting paid only for the time spent massaging Jeffrey or were you getting paid from your arrival at his house until you left the house?

V: From the time the massage started.

JS: From the time the massage started. Ok.

V: Sometimes we'd go there and I would wait for a while or talk with Ghislaine and Jeffrey about something or we'd meet somewhere and talk about something. A lot of times, I'd meet him upstairs in his room where he was ready for me. But then there was a lot of times where it didn't start right away, so he couldn't really pay me from the time I got there sometimes unless it was just paid from the time I massaged him til the time the massage was over.

JS: Alright. Did your duties for Jeffrey ever include anything other than providing him massages and sex in connection with the massages? Did he ever give you any other responsibilities to perform?

V: I was asked to do the same things that I did to Jeffrey to a few of his fellow colleagues as well. Those were my duties. He looked at it this way is that I was going to be a professional massage therapist, and maybe I needed some clientele, so he had me perform erotic massages on a few people.

JS: Did that start here in Palm Beach County?

V: It did. The first one did.

JS: Ok, and how long after you first met Jeffrey did he first ask you to provide services for one of his friends?

V: About 9 months, I think it was. It wasn't a full year, it wasn't 6 months, but between 6 months and a year, which is why I'm saying 9 months.

JS: And when you provided services to a friend of Jeffrey's, who paid you for those services?

V: Jeffrey would. I would get paid the next time I saw Jeffrey, so if I was invited to the Breakers Hotel to give a massage, I would give a massage, I would go home, and the next day when I saw Jeffrey, he would pay me for what I did. So, it was paid always by him, it was set up by him, so he always knew what to pay me. I did get tips and things like that, if you call it that, you know, like a hundred dollar tip or something from a few of them, you know, yeah.

JS: Was there ..

V: There was always payment from Jeffrey.

JS: Was there ever any discussion with Jeffrey about what was expected to happen when you provided massage services to one of Jeffrey's friends?

V: In a roundabout way, yes. In so many ways, Jeffrey really really had to train me, and that was why Ghislaine said that she and Jeffrey enjoyed me so much was because they never really had to speak much to me to tell me what they wanted me to do. You know, I wasn't waiting for you know, their directions. Jeffrey would tell me to go give an erotic massage to friends. He wouldn't give me much detail about it, but he would say to treat them like you treat me.

JS: Did he refer to it as an erotic massage or are those your words?

V: Erotic massage is my words. That's exactly what it was, but he would tell me to treat them how he wanted it, so I'd do what he wanted without having to say to me words more. I mean, I complied with what he wanted because it was somewhat of a, I don't know, I don't know how to say it, it was just very mindboggling how I let him have so much control or power over me basically. The massages would be routine to what Jeffrey wanted with my so called new clientele, and with their own words would ask me to provide them with sexual pleasure after the massage.

JS: Did you ever report back to Jeffrey about what happened when you provided massages to his friends?

V: Of course, of course, and I knew that his friends were reporting back to him as well because there were times where he would instigate conversation by saying you know, so and so had a great time, you did wonderful, you know so and so gave me a call and told J.E how it went_...

JS: Did Jeffrey ever elicit details from you? "Tell me what happened, describe in detail what went on?"

V: No, but he would have a laugh, he had a laugh with me a few times about some of their different mannerisms, I guess you would say, like some of them, one guy had a foot fetish and that was really weird and I mentioned it to Jeffrey, and we would have a laugh over it. He didn't want to know details. He wasn't asking me "so tell me what did you guys do exactly." No, he just basically gave me a slap on the back and said, you know, good job. And we had some kind of conversation about it. I can't recall any conversation off the top of my head. I really don't know one. It's been that long. But yeah, we did talk about it briefly.

JS: Can you give me an estimate as to the number of friends for whom Jeffrey provided and paid for your services?

V: There was about, you know, I don't know, 8 guys possibly.

JS: And are you able to name those people for me?

V: No, not at this stage. I just, some of these people are really influential in power, and I don't want to start another shitstorm with a few of them. I'll tell you that there was some erotic massages given to, I'm just afraid to say it to you.

JS: Ok, Virginia.

V: It's like geez, I don't know if I want to, I'm really scared of where this is gonna go.

JS: Alright. I understand that, and as I told you from the beginning, if I ask you a question that you are uncomfortable answering, you just tell me that, and I will move on, and I understand that at least right now, you are uncomfortable answering, and I am certainly going to respect that.

V: Thank you so much, Jack.

JS: No, that's quite alright. I am very appreciate of the cooperation you are providing, and I don't want you at any time to feel that we are taking unfair advantage of that cooperation, so give me the information that you're comfortable giving me, and if we get to a point where you're uncomfortable, I will respect that and we'll move on from there.

V: Ok.

JS: I want to talk a little bit about the traveling that you did with Jeffrey. About how long into your relationship with him did that first start?

V: Immediately. I started traveling immediately. Not internationally until I think about, Gosh, I can't remember even, I think it was a year later that we started doing international travel. Maybe like 9 months to a year again. Not too sure to be honest.

JS: So that would have been approximately the summer of 1999? Somewhere around there?

V: Yes. Somewhere around there. Somewhere around a year, somewhere around there, I can't pinpoint it exactly. But like I said, we started doing domestic traveling immediately, so my first destination with him was New York and Santa Fe and the Carribean, California, I would take trips with him occasionally. Sometimes we would go to St. Louis or New Orleans or Santa Cruz. We were traveling just about everywhere I think.

JS: How did you travel?

V: Well, we took Jeffrey's private jet, and unless I was being sent somewhere by myself for what we were just talking about before, then I would travel on a what do you call, a public jet, whatever it is…

JS: commercial flight?

V: Yes. Just a normal flight, an e-ticket.

JS: Like the rest of us common folk.

V: But when I was traveling with Jeffrey, the majority of the time would be on the black jet.

JS: Now, when you say there would be times when you would travel by yourself because he was sending you somewhere, tell me about that. How did that come about?

V: So, one of his colleagues would be at the Carribean or Santa Fe or even New York, or wherever, and he would call me up on those days where I am not working with him or in Palm Beach with him, and he would ask me to get on the next plane to so and so and go meet so and so, and that's when I would take e-tickets. His secretary or special assistant, whatever, would organize it for me and give me the details and I would just walk up the line and they'd let me right through.

JS: Can you give me any ideas as to how many times it happened that Jeffrey would send you off to meet some friend of his at some location outside of Palm Beach?

V: How many times it happened? I'm not too sure. Probably about 10-15 times.

JS: Ok. And on those occasions, how much time would you spend with one of Jeffrey's friends when you were sent to a location that you would have to travel to?

V: Only a couple of days. Only 2 days, that's it.

JS: And how were you paid for those trips?

V: I would be paid in cash upon my arrival back with Jeffrey. So, whenever I was back with Jeffrey, he would count up how many days I've had, sometimes give me even more than what I deserved, not deserved, but what I earned and give me a little extra.

JS: Was there a daily rate for those trips or was that per massage also?

V: Per massage. With Jeffrey, I would be honest. I wouldn't tell him I did 15 massages if I didn't. He knew he could trust me. He could always come back to the other person that he sent me to give massages and ask them as well, so you know, it was always by per massage.

JS: Alright. When we've been talking about massages, tell me exactly what it is we're talking about when we speak about massages.

V: Same thing I would do to Jeffrey. Again, it would start out as a massage, which would start with them being naked, and me giving him a legitimate massage to begin with, so

I'd start with his feet, go up to his calves, up his legs, buttocks, back, his neck, his head, his arms, yada yada, and then it would be time to flip over, and some of the men would want me to continue on massaging the front side of them and they would instigate me to begin having sex with them or foreplay, whatever you want to call it.

JS: So routinely, these massages involved sexual activity. Is that accurate?

V: That is accurate.

JS: Ok. Let's talk about the travel that you were involved in when you were on Jeffrey's private plane. Generally speaking, who were the passengers on the plane when you traveled.

V: Well, Larry was the pilot, and then there was a short, small solid guy, I don't know his name, but he was a co-pilot, and then he changed and there was another guy brought in later on. Generally speaking, there was always Jeffrey, sometimes Ghislaine, sometimes Emmy, sometimes a whole bunch of other girls, sometimes famous people, sometimes some politicians or yeah, just about anybody could fly on his plane. There was never no any set routine who would come and who would go. It was an influx of people on Jeffrey's airplane.

JS: I want to deal with these things separately in order to respect some of the reservations that you have, so I'm going to ask you who the people were that you remember flying with Jeffrey on his plane when you were personally present without regard to whether there was any sexual activity that occurred on the plane or not. So I'm not asking you to implicate any of these famous people in improper conduct, but just tell me what the names of the people are that you remember that you consider to be famous people.

V: Ok, there was Naomi Campbell, Heidi Klum, there was Bill Clinton. There was Al (?) Gore, there was a whole bunch of models, I wouldn't really honestly be able to give their names. There was Matt Groning the producer of the simpons cartoon, Jack CCousteau's granddaughter a lot of interior designers, architects, politicians. I am just trying to think of as many names as possible for you. Off the top of my head, that's as good as I can get for now.

JS: Ok, alright, that's fine. And again, I am not implying by my questions, nor do I want your answers to be interpreted as your suggesting that any of those people that you have just identified were engaged in any improper activities on any particular flight, but I want to talk to you now about what went on on occasion on the airplane. Ok?

V: Ok. It was a lot of the same thing that went down on the ground. A lot of times, it would be just be me and Jeffrey, or me and Jeffrey and Ghislaine, or me and Jeffrey and some other girl, sometimes Emmy, Sarah, and Nadia Bjournik. There would be sexual conduct, there would be foreplay, there was a bed in there, so we could basically reenact exactly

what was happening in the house. It would start off with massaging or we would start off with foreplay, sometimes it would lead to, you know, orgies.

JS: Were there occasions when you were in Jeffrey's company, whether on the ground or in the air, where there were other girls present whom you knew to be under age 18?

V: Yes. There was a constant influx of girls coming in and going out. And we were all very young. On occasion, there was some older girls, and I don't mean older as in like in their 30s or anything, I mean like 28, 29, something like that, just very rarely. The majority of the girls that Jeffrey actually met or had on his plane or in his house were under age.

JS: Do you know how it is that Jeffrey established with any of these underage girls?

V: Yes, I do. He would send me personally or with other girls to clubs or shops, to _pick up anywhere, I mean we were constantly on the look for other girls that might satisfy Jeffrey.

JS: What instructions were you given about what to look for?

V: Young, pretty, you know, a fun personality. They couldn't be black. If they were any other descent other than white, they had to be exotically beautiful. That was just about it.

JS: Who gave you those criteria?

V: They both gave us the instructions, and it wasn't just me, Jeffrey asked most girls to bring a friend and make extra money. They would use us young girls So that way it probably looked a lot more safer to a girl that we were procuring to younger girls that were already doing it. That was the way that Jeffrey had it.

JS: Were you given any instruction at all on how to approach these girls?

V: Yes. Jeffrey and Ghislaine both taught me to, depending on the circumstances, depending on the girl, you could offer them a job as a massage therapist or you could tell them you have a really rich friend with, you know, great contacts in the acting world or modeling world and he loves pretty girls, you should come back and meet him, make some money, you know, we had a whole bunch of ways to be able to procure girls.

JS: Can you give me any idea as to the total number of underage girls that you know engaged in sexual conduct with Jeffrey during the period of time you had your relationship with him?

V: I would have no way of estimating that whatsoever. I mean, there could be a hundred, there could be more, honestly I'm not too sure how many girls, really. I wish I did know. I mean like I said there were so many over the course of 4 years with Jeffrey.

JS: Let me see if we can try to narrow it down a little bit. Is there any doubt in your mind that it was more than 10?

V: Yes, there was definitely more than 10.

JS: Ok, what I want you to do is to give me the highest number that you are comfortable in saying there were definitely more than X number of underage girls that I know Jeffrey Epstein engaged in sex with while I had a relationship with him. How would you fill in that blank? Definitely more than how many?

V: I'd say definitely more than a hundred.

JS: Alright. Did Jeffrey ever help to pick out your clothes?

V: Oh yes. I mean he wasn't out to dress me like a porn star or anything. He would always dress me very classy, but we'd just go shopping all the time together.

JS: Did he ever express any style preferences in terms of how he wanted you to dress? Besides dressing classy, I'm, you know, any other suggestion to you about how he wanted you dressed?

V: He didn't, like I said, wasn't trying to dress me in any prostitute way or anything like that. It was nice, classy outfits I was wearing like Gucci, Dolce Gabbana, Chanel, things like that. He was buying me a lot of very, very nice clothing. It was provocative. I mean I was wearing miniskirts, and tight short shorts and little shirts that showed my belly and my cleavage and everything, but they were very expensive clothes.

JS: Was there every any dress up role playing?

V: Yes. There was. Lots of it. Jeffrey loved the latex outfits Ghislane had for us girls, he had bondage outfits, he had all different kinds of outfits, but his favorite was the schoolgirl.

JS: Tell me about that.

V: Well, you know, Ghislaine would take me to dress me up to surprise J.E or Jeffrey would ask me to get dressed up, that would include wearing a tiny little skirt with nothing underneath, a white collared shirt that you would be wearing to school with a tie in it, tied up _in a bow_, my hair in pigtails, stockings on up to my knees, and I would go in there and act like a kid and we'd do role playing sexing.

JS: Did Jeffrey ever brag to you about the age of any of the girls with whom he had relationships?

V: Yes, he did. He did all the time. The worst one that I heard from his own mouth was this pretty 12 year old girls he had flown in for his birthday. It was a surprise birthday gift from one of his friends and they were from France. I did see them, I did meet them. Jeffrey bragged afterwards after he met them that they were 12 year olds and flown over from France because they're really poor over there, and their parents needed the money or whatever the case is and they were absolutely free to stay and flew out. Those were the worst ones. He was constantly bragging about girls' ages or where he got them from or their past and how terrible their past was and good he is making it for them.

JS: Where were the 12 year old girls flown to from France? Where did they come to?

V: Palm Beach.

JS: And were they flown in on Jeff's private plane or did they get transported?

V: No. They were transported by somebody else.

JS: Ok. Was the sexual activity that went on on the airplane conducted in such a way so that any of the crew was aware of what was going on?

V: They were told to knock if they had to come out, if the crew had to come out. They were told, you know, to come out as little as possible, so they weren't out there hanging out watching everything, no, but it doesn't take an idiot to put two and two together to say well there's a whole bunch of half dressed teenagers on board with this old man who is constantly being massaged by them and he wants me to keep the door shut for what reason? I mean, only they could put that together, but yeah, they knew.

JS: Did Mr. Epstein ever talk to you about people of power and influence owing him favors?

V: He would laugh about it, you know, I never really knew what to take serious from Jeffrey because he was such a funny character at times. You never knew if what he was saying was true or not. Yeah, lots of people owed him favors from what he told me. He's got everybody in his pocket, and he would laugh about he helps people for the sole purpose in the end they owe him something. That's why I believe he does so many favors in the first place.

JS: When and how did you first become aware that Mr. Epstein was in trouble with the law?

V: I was first informed by, I think someone from the FBI called me first and started to ask me questions, and I started to answer the questions but then fear took over, and I just said look, I don't know what's going on, I've got a young family that I don't want to risk, you know, please don't bother me about this again, and it was real short simple conversation, and within a week or 2, I had gotten a call from Jeffrey's attorney, and then a week later, Jeffrey himself.

JS: Ok, well let's back up before we get to those conversations and tell me approximately when it was that you were contacted by the person who you believe was with the FBI.

V: Ok. It's hard for me to pinpoint, if I had to pinpoint it, it would be in 2007 sometime.

JS: Alright. And you were living in Australia at that time, correct?

V: Correct.

JS: You were contacted by telephone?

V: That's correct, by my cell phone.

JS: Ok and do you have any idea how your name came up leading to that contact.

V: No idea. No idea whatsoever. When I did ask, I was told that some girls had revealed my name, I guess, and that's how everybody, the FBI knew to contact me.

JS: OK.

V: But I don't know offhand or sorry, I just walked into the wrong room.

JS: Ok.

V: Sorry go on.

JS: Yes & I'll never tell her you said that. Virginia, how long was it after that phone call from the FBI person were you contacted by Mr. Epstein's lawyers.

V: Like a week. It was back to back to each other. I remember being so scared after talking to the FBI thinking what's happening, what's going on. It's been like 6 years, 7 years at that stage, how did they find me & what do I have to do with this? So yeah, I do remember that very well, and it was only about a week later I was called by his attorney.

JS: Who was it that contacted you, do you remember?

V: I want to say Bill Riley, but he might have been from the FBI. No, it was Bill Riley. Bill Riley. Not sure if that's his correct name, but that's what is coming to mind

JS: What do you remember about that conversation?

V: I remember a Mr. Goldberger as well, I remember, there might have been two of them.

JS: Alright.

V: I can't remember which one it was. I want to say Bill Riley is the good one.

JS: Alright, so either Bill Riley or a Mr. Goldberger or both of them contacted you, and what do you remember about that?

V: I don't know if it was the same guy who contacted me that week later who put me in touch with Jeffrey. I think he was on the phone and he put speakerphone on with Jeffrey. So he connected me with Jeffrey. I don't know if it was the same guy or different, but I definitely know that Bill Riley was the first guy to contact me. I'm pretty sure about that.

JS: Ok. Tell me about that conversation.

V: He asked me what I knew about what's going on with Jeffrey and apparently, there was an investigation being held about some of the girls who had come out and said that Jeffrey had sexual contact with them under the age of a minor and that he was discrediting lot of these girls and making them out to be drug addicts and prostitutes and what have you so they wouldn't be looked upon as worthy in the court's eyes so to speak. And you know, he told me in the first five minutes that, you know, if I stay quiet, that "I'll be looked after" . And that was the exact way it was said. It wasn't like you know, I'm gonna pay you a zillion dollars or anything if you be quiet, but if I stay quiet, I would "looked after". And I remember saying I don't want any part to do with this. You know, this is not something I want to be a part of, I've got a young family. I wish the best for everybody in this, you know, take care kind of thing. A week later, I was called after the hearing by one of Jeffrey's lawyers. I can't tell you exactly which one it was but he had Jeffrey on the other line and he connected Jeffrey and I, and Jeffrey tried to make some simple conversation, "How are you? How have things been?" You know what I mean, catching up.

JS: Do you know if the lawyer, did the lawyer stay on the line while Jeffrey was speaking to you?

V: I'm pretty sure he did. That's why I think Jeffrey was on speaker phone because it sounded a lot different, and I was never taken off the line to begin with or connected to another line, so I was pretty sure Jeffrey was on speaker phone and the lawyer was making the call. After the simple conversation, it led to what was going on again and you know, Jeffrey couldn't believe it. You know, he thought he helped all these girls out. He didn't think he was wrong in any circumstance here at all. A lot of these girls were drug addicts and just after drug money. You know, he was really putting down these women or these girls I should say, not giving them the credit they deserved, and then he exactly repeated what the lawyer said the week before is that he would look after me if I stayed quiet, and if I need any help, you know, his lawyers would represent me and he would get legal help for me, whatever I need, he would do, and I told him exactly, I said, "Jeffrey, I'm the mother of two children at that stage. I'm away from everything there, I don't want to be a part of it. I'm not going to speak to anybody and I don't want to speak to anybody, I don't want to be involved." That was the last time I heard from him. And the

next thing I knew, I was sent my victim's letter, my notification of being a victim through the US Attorney's Office and that's when I knew it was well out there enough not to have Jeffrey's lawyers come back on me and discredit me in the same way he had done to all the other girls. So, I called up Joseph Bird who was the recommended lawyers on my paperwork that they had given me and started going from there.

JS: So you contact Mr. Joseph Bergs' office and then you were dealing with his office from that point forward.

V: That's correct.

JS: Tell me about the ending of your relationship with Jeffrey. That is, at what point in time did your full time employment end and how did that happen?

V: Ok. So, it hadn't really ended. I walked away from it all. Jeffrey sent me to Thailand where I met my husband and escaped to Australia, never to return back to the states. About 6 months prior to that, he came up with a proposition that I thought was really disgustingly sick. And it really showed me for the first time in 4 years I had been with him that nothing was going to change and I was always just going to be used by him(?) which I did not like. He offered me a mansion and some of his money every month, I forget what he called it, a monthly income of what he made to bear one of his children. The proposition was that if anything ever happened between Jeffrey and I, that I would have to sign my child over to him basically and that the child would be his and Ghislaine's, and I would be looking after it as long as nothing happened between Jeffrey and I. So, I was kind of freaked out by all of that. I pushed Jeffrey more to please get me some more training, you know, and I was getting older and not of as much interest to Jeffrey anyways. I was 19 now, and he likes a female a lot younger. So he sent me to Thailand, in September 2002_. I was first supposed to meet a girl there and bring her back with me, but I never met up with her. I proceeded get a short course in Thai massage so that was to shut me up about my training so I went there, and one of my friends from school invited me to watch a fight, like a muay thai fight, which is like a form kickboxing. So I went and watched it, and I saw this guy that was a really good fighter, and a girl's word, looked really hot, so I asked my friend who knew him to introduce me. We got introduced and fell in love immediately, 3 days later Rob proposed and 7 days later I was being married in a buddist temple. I called Jeffrey and told him I'm sorry, I'm never coming back. I've gotten married, I've fallen in love. I thought he'd wish the best for me but he was kind of rude and he just said "have a good life" and hung up the phone, and that was the last time I'd talked to him ever until all this started again.

JS: Ok. Virginia, is there anything else that you would like to add to what you have told us up to this point in time?

V: I'd like to know that this time around something's going to be done about it and that Jeffrey and a lot of his colleagues, no matter how rich they are, will know that there is

law and that there is people that still believe in it. So that's it. Thank you guys for listening to me, hearing me out and helping me. It's kind of hard to get through.

JS: Thank you very much. Yes, I'm sure it has been very difficult and I am very appreciative of the courage you have shown in doing what you have done, which really brings me to the last subject, and that is what was it that motivated you to go public with all of this?

V: Sharon Richard contacted me. I like her, I do, I like her a lot. I know she's a journalist, and journalists are normally bloodsucking leeches, but I like her for that, but she is an honest bloodsucking leech. She told me a lot about what was still going on, and she showed me a picture of Jeffrey with a little girl who looks like she could have been 12 years old. I mean it was disgusting. I agreed to talk with her, I never agreed to do anything until she showed me some pictures, and at that stage, being a mother of 3 children and having a daughter who I would do anything for to protect, I would put my neck on the line to make sure she never has to go through what I had to go through, and knowing all of this, and knowing that he's still out there doing the same exact thing with no regrets, no remorse, no worry about what he's doing to those girls, and all those girls feeling the same way that I did, so I, you know, I'm doing it because I believe in my heart of hearts it's the right thing to do. It's what I would want somebody to do for my daughter or my sister or my friend, and it saddens me to know that it's still going on right now. It's like the seashell story. I don't know if you're heard the story about the little kid who throws back a starfish, you know, the little brother tries to ask his sister, "why do you throw them in, they're all gonna die anyways, the little girl says "well, it's this one that I can help, and this one that I can help," and that's what I feel like I'm doing. I'm making a small dent in this big world we live in.

JS: I certainly appreciate that courage, and I have heard that story, and you're absolutely right, that one person may not be able to make a difference for everyone, but one person can make a difference for someone, and hopefully, you are making a difference for someone, and we're gonna do the best we can to make sure you are making a difference for as many people as possible.

V: Thanks Jack.

JS: Just a few other follow up things I want to ask you and again, if any of these questions are questions that you're uncomfortable in responding to, then don't hesitate to tell me that. Do you have any recollection of Jeffrey Epstein's specifically telling you that "Bill Clinton owes me favors"?

V: Yes. I do. It was a laugh though. He would laugh it off. You know, I remember asking Jeffrey what's Bill Clinton doing here kind of thing, and he laughed it off and said well he owes me a favor. He never told me what favors they were. I never knew. I didn't know if he was serious. It was just a joke.

JS: Where was here?

V: He told me a long time ago that everyone owes him favors. They're all in each other's pockets.

JS: When you say you asked him why is Bill Clinton here, where was here?

V: On the island.

JS: When you were present with Jeffrey Epstein and Bill Clinton on the island, who else was there?

V: Ghislaine, Emmy, and there was 2 young girls that I could identify. I never really knew them well anyways. It was just 2 girls from New York.

JS: And were all of you staying at Jeffrey's house on the island including Bill Clinton?

V: That's correct. He had about 4 or 5 different villas on his island separate from the main house, and we all stayed in the villas.

JS: Were sexual orgies a regular occurrence on the island at Jeffrey's house?

V: Yes.

JS: If we were to take sworn testimony from the people I am going to name, and if those people were to tell the truth about what they knew, do you believe that any of the following people would have relevant information about Jeffrey's taking advantage of underage girls? So I'll just name a name, and you tell me yes if they told the truth, I think they'd have relevant information or no, I don't think they would, or I don't know whether they would or not. Ok? You understand?

V: Yes.

JS: Ok. Les Wexner.

V: I think he has relevant information, but I don't think he'll tell you the truth.

JS: Ok. Alan Dershowitz.

V: Yes.

JS: David Copperfield.

V: Don't know.

JS: Tommy Matola.

V: Don't know.

JS: Prince Andrew.

V: Yes, he would know a lot of the truth. Again, I don't know how much he would be able to help you with, but seeing he's in a lot of trouble himself these days, I think he might, so I think he may be valuable. I'm not too sure of him.

JS: Ok. Virginia, I think that's all I have for you. Let me tell you what I would like to do. As I told you in the beginning of this conversation, we've been recording it, and hopefully, we've got a clear enough recording so that we've taken down everything accurately and when it's transcribed, it will be clear and accurate, but what I would like to do is transcribe it, send it to you, have you take a look at it, and if there's anything that we got wrong in the statement, you can write back and you can make changes in the transcript so that the transcript is accurate. Is that fair?

V: No worries. That is fair. No problem.

JS: Alright, great. I really do appreciate that and tell me what the best way is to send the transcript to you.

V: Email. If you just want to send it by email or if you want to send it by mail, either or.

JS: Ok. Give me your email address if you would please.

V: [redacted]*

JS: Let me read that back to you: [redacted]*

V: Yep that's it.

BE: Thank you Jenna, appreciate it.

V: No problem, Brad.

JS: Thank you very very much. Bye Bye now.

V: Take care Jack. Nice meeting you.

JS: You too.

*Redaction has been made at the request of the witness.

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June 19, 2008

John Roth, Esq.
Principal Associate Deputy Attorney General
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Washington, D.C. 20530

Dear Mr. Roth:

I again want to thank you for this opportunity to explain why we believe that a federal prosecution of Jeffrey Epstein is unwarranted. I appreciate your having informed us that you already have our May 19 and May 27 communications to the Deputy Attorney General, as well as our prior written submissions to CEOS and to the Southern District of Florida.

In light of the significant volume of our prior submissions and to facilitate your review, we have drafted four supplemental submissions that will provide a roadmap for your investigation of this matter. Given the bulk of these documents and their appended supporting attachments, you will receive this packet by messenger tomorrow. A brief description of each of the four submissions follows. First, I have included a succinct summary of the facts, law and policy issues at hand. This document sets forth a basic overview of the issues and summarizes our principal contentions as to why federal prosecution of this matter is neither appropriate nor warranted.

The three other submissions include: a summary of the irregularities and misconduct that occurred during the federal investigation; a letter from former CEOS attorney Stephanie Thacker that responds to CEOS's assessment of its limited review of Mr. Epstein's case; and a point-by-point rebuttal to First Assistant United States Attorney Jeffrey Sloman's recent letter which we believe contains factual inaccuracies typical of our correspondence from the United States Attorney's Office in Miami (the "USAO"). Also, for your reference, the package you receive tomorrow will contain a binder including all documentation to which we refer in our submissions. Finally, we will be providing a detailed checklist of each submission or substantive communication to the USAO. Our intention is that you have copies of each such document to enhance your review. If there are any that you have not received from the USAO or CEOS, please advise and we will fedex them to you without delay.

As you are likely aware, the Department's prior review of this matter was incomplete and, by its own admission, not "de novo." *See* Tab 38, May 15, 2008 Letter from A. Oosterbaan. Without considering the Non Prosecution Agreement that left this matter to be resolved in the State or any of the misconduct, CEOS reviewers, tasked with reviewing some of their own previously expressed opinions, assessed only whether the United States Attorney would "abuse [his] discretion" if he pursued this case. While we appreciate CEOS's willingness to examine these limited issues, its conclusion that a prosecution would not be an "abuse of discretion" rings particularly hollow in light of CEOS's admirably candid concessions that we have raised "compelling" objections *and* that a prosecution on these facts would require "novel" applications of federal law. Indeed, even a brief review of CEOS's own mission statement reveals how inapposite a federal prosecution is to the facts in this case.

Importantly, we note that the CEOS review was conducted prior to the Supreme Court's very recent decisions in *Santos* and *Cuellar*, which we believe—illuminating as they do the Court's interpretive methodology when it comes to federal criminal law—powerfully demonstrate the substantive vulnerability of the USAO's unprecedented employment of three federal laws. That Office's interpretation would never pass muster under the Supreme Court's recent pronouncements and should not be countenanced. That is all the more true under the circumstances where the duly appointed U.S. Attorney opined that, in effect, the "unitary" Executive Branch was driving this prosecution. We now know that is not so.

What I respectfully request, and what I hope you will provide, is a truly "de novo" review—that is, an independent assessment of whether federal prosecution of Mr. Epstein is both necessary and warranted in view of the legal and evidentiary hurdles that have been identified, the existence of a State felony plea and sentence that have been advocated by the State Attorney for Palm Beach County, and the many issues of prosecutorial misconduct and overzealousness that have permeated the investigation. I also request that you provide us with the opportunity during your review to meet with you in person to answer any questions you may have and to elucidate some of the issues in our submission.

We believe that an independent review will confirm our strong belief that federal prosecutors would be required to stretch the plain meaning of each element of the enumerated statutes, and then to combine these distorted elements in a tenuous chain, in order to convict Mr. Epstein. Indeed, just this week (and after two years of federal involvement in this matter), Assistant United States Attorney Villafana re-initiated the federal grand jury investigation—in direct contravention of the parties' Non Prosecution Agreement—and issued yet another subpoena seeking evidence in this case. *See* Tab 19, Subpoena to [redacted] In the subpoena, AUSA Villafana directs [redacted] to appear on July 1, 2008 to give testimony and produce documents to FGJ 07-103 West Palm Beach. The attachment to the subpoena seeks documents such as photographs, emails, telephone billing information, and contact information that relate to Mr. Epstein as well as specific other people who received protection from federal

prosecution as a result of Mr. Epstein's having entered into the September 24, 2007 Non Prosecution Agreement with the USAO.

Notably, the Non Prosecution Agreement contains the following agreed condition:

> Further, upon execution of this agreement and a plea agreement with the State Attorney's Office, *the federal Grand Jury investigation will be suspended,* and all pending federal Grand Jury subpoenas will be held in abeyance unless and until the defendant violates any term of this agreement. The defendant likewise agrees to withdraw his pending motion to intervene and to quash certain grand jury subpoenas.

See Tab 21, September 24, 2007 Non Prosecution Agreement. It also guarantees that persons identified in the Grand Jury subpoena such as [redacted] and Leslie Groff and others will not be prosecuted. The new Grand Jury subpoena clearly violates the Non-Prosecution Agreement. Although Mr. Epstein has exercised his rights to appeal to the Department of Justice with the full consent and knowledge of the USAO, he has not breached the Agreement. The re-commencing of the Grand Jury is in violation of the Agreement.

But further, the new investigation, which features a wide-ranging, fishing-expedition type to search in New York does nothing to satisfy the very essential elements of federal statutes that are lacking despite the intensity of an over two-year investigation in the Palm Beach area. Absent evidence of Internet luring, inducements while using the phone, travel for the purpose, fraud or coercion, the subject of the New York investigation is as lacking in the essential basis for converting a state case into a federal case as is the remainder of the Florida investigation.

The reaching out to New York to fill the void emanating from the failures of the Florida investigation compellingly demonstrates the misuse of federal resources in an overzealous, over-personalized, selective and extraordinary attempt to expand federal law to where it is has never gone. This last-ditch attempt by Ms. Villafana reinforces our belief that the USAO does not have facts that, without distortion, would justify a prosecution of Mr. Epstein.

In view of the prosecution's often-verbalized desire to punish Mr. Epstein, we believe that the prosecution summary suffers from critical inaccuracies and aggregates the expected testimony of witnesses so as to reach a conclusion of guilt. Our contention is reinforced by the fact that key prosecution witnesses have provided evidence and testimony that directly undermines the prosecution's misleading and inaccurate summary of its case. Indeed, we now have received statements from three of the principal accusers—[redacted] (through a state criminal deposition), [redacted] (through a federal FBI-USAO sworn and transcribed interview), and [redacted] (through a defense—generated sworn transcribed interview). Each of these witnesses categorically denies each essential element that the prosecution will have to prove in order to convert this quintessential state-law case into a federal matter.

It thus is especially troubling that the USAO has not provided us with the transcript of Ms. [redacted]'s federal interview, nor the substance of the interviews with Ms. [redacted] or Ms. [redacted], nor any information generated by interviews with any of the approximately 40 alleged witnesses that the prosecution claims it has identified. Because the information provided by these women goes directly to the question of Mr. Epstein's guilt or innocence, it is classic *Brady* information. We understand that the U.S. Attorney might not want to disclose impeachment information about their witnesses prior to a charge or during plea negotiations. But we firmly believe that when the Government possesses information that goes directly to a target's factual guilt or innocence, the target should be informed about such heartland exculpatory evidence.

Most importantly, aside from whether the Department believes *Brady* obligates disclosure to a target of a federal investigation prior to the target's formal accusation, no such limit should apply to a Department review. Accordingly, we request that you go beneath the face of any summary provided to you by the USAO and instead review the actual witness transcripts and FBI 302s, which are essential for you to be able to make a truly independent assessment of the strength and wisdom of any federal prosecution.

After careful consideration of the record, and as much as it pains me to say this, I simply do not believe federal prosecutors would have been involved at all in this matter if not for Mr. Epstein's personal wealth and publicly-reported ties to former President Bill Clinton. A simple Internet search on Mr. Epstein reveals myriad articles and news stories about the former President's personal relationship with Mr. Epstein, including multi-page stories in *New York Magazine* and *Vanity Fair*. Mr. Epstein, in fact, only came to the public's attention a few years ago when he and the former President traveled for a week to Africa (using Mr. Epstein's airplane)—a trip that received a great deal of press coverage. I cannot imagine that the USAO ever would have contemplated a prosecution in this case if Mr. Epstein lacked this type of notoriety.

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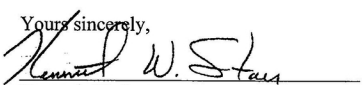
At bottom, we appreciate your willingness to review this matter with a fresh—and independent—set of eyes. To facilitate your review, I once again request the opportunity to make an oral presentation to supplement our written submissions, and we will promptly respond to any inquiries you may have.

Yours sincerely,



Kenneth W. Starr

cc: Deputy Attorney General Mark Filip

CONFIDENTIAL SUBMISSION TO THE OFFICE OF THE DEPUTY ATTORNEY GENERAL RE J. EPSTEIN

KIRKLAND & ELLIS LLP
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Kenneth W. Starr
To Call Writer Directly:
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June 19, 2008

John Roth, Esq.
Principal Associate Deputy Attorney General
Office of the Deputy Attorney General
United States Department of Justice
950 Pennsylvania Avenue, N.W., Room 4115
Washington, D.C. 20530

Dear Mr. Roth:

I again want to thank you for this opportunity to explain why we believe that a federal prosecution of Jeffrey Epstein is unwarranted. I appreciate your having informed us that you already have our May 19 and May 27 communications to the Deputy Attorney General, as well as our prior written submissions to CEOS and to the Southern District of Florida.

In light of the significant volume of our prior submissions and to facilitate your review, we have drafted four supplemental submissions that will provide a roadmap for your investigation of this matter. Given the bulk of these documents and their appended supporting attachments, you will receive this packet by messenger tomorrow. A brief description of each of the four submissions follows. First, I have included a succinct summary of the facts, law and policy issues at hand. This document sets forth a basic overview of the issues and summarizes our principal contentions as to why federal prosecution of this matter is neither appropriate nor warranted.

The three other submissions include: a summary of the irregularities and misconduct that occurred during the federal investigation; a letter from former CEOS attorney Stephanie Thacker that responds to CEOS's assessment of its limited review of Mr. Epstein's case; and a point-by-point rebuttal to First Assistant United States Attorney Jeffrey Sloman's recent letter which we believe contains factual inaccuracies typical of our correspondence from the United States Attorney's Office in Miami (the "USAO"). Also, for your reference, the package you receive tomorrow will contain a binder including all documentation to which we refer in our submissions. Finally, we will be providing a detailed checklist of each submission or substantive communication to the USAO. Our intention is that you have copies of each such document to enhance your review. If there are any that you have not received from the USAO or CEOS, please advise and we will fedex them to you without delay.

As you are likely aware, the Department's prior review of this matter was incomplete and, by its own admission, not "de novo." *See* Tab 38, May 15, 2008 Letter from A. Oosterbaan. Without considering the Non Prosecution Agreement that left this matter to be resolved in the State or any of the misconduct, CEOS reviewers, tasked with reviewing some of their own previously expressed opinions, assessed only whether the United States Attorney would "abuse [his] discretion" if he pursued this case. While we appreciate CEOS's willingness to examine these limited issues, its conclusion that a prosecution would not be an "abuse of discretion" rings particularly hollow in light of CEOS's admirably candid concessions that we have raised "compelling" objections *and* that a prosecution on these facts would require "novel" applications of federal law. Indeed, even a brief review of CEOS's own mission statement reveals how inapposite a federal prosecution is to the facts in this case.

Importantly, we note that the CEOS review was conducted prior to the Supreme Court's very recent decisions in *Santos* and *Cuellar*, which we believe—illuminating as they do the Court's interpretive methodology when it comes to federal criminal law—powerfully demonstrate the substantive vulnerability of the USAO's unprecedented employment of three federal laws. That Office's interpretation would never pass muster under the Supreme Court's recent pronouncements and should not be countenanced. That is all the more true under the circumstances where the duly appointed U.S. Attorney opined that, in effect, the "unitary" Executive Branch was driving this prosecution. We now know that is not so.

What I respectfully request, and what I hope you will provide, is a truly "de novo" review—that is, an independent assessment of whether federal prosecution of Mr. Epstein is both necessary and warranted in view of the legal and evidentiary hurdles that have been identified, the existence of a State felony plea and sentence that have been advocated by the State Attorney for Palm Beach County, and the many issues of prosecutorial misconduct and overzealousness that have permeated the investigation. I also request that you provide us with the opportunity during your review to meet with you in person to answer any questions you may have and to elucidate some of the issues in our submission.

We believe that an independent review will confirm our strong belief that federal prosecutors would be required to stretch the plain meaning of each element of the enumerated statutes, and then to combine these distorted elements in a tenuous chain, in order to convict Mr. Epstein. Indeed, just this week (and after two years of federal involvement in this matter), Assistant United States Attorney Villafana re-initiated the federal grand jury investigation—in direct contravention of the parties' Non Prosecution Agreement—and issued yet another subpoena seeking evidence in this case. *See* Tab 19, Subpoena to [redacted]. In the subpoena, AUSA Villafana directs [redacted] to appear on July 1, 2008 to give testimony and produce documents to FGJ 07-103 West Palm Beach. The attachment to the subpoena seeks documents such as photographs, emails, telephone billing information, and contact information that relate to Mr. Epstein as well as specific other people who received protection from federal

prosecution as a result of Mr. Epstein's having entered into the September 24, 2007 Non Prosecution Agreement with the USAO.

Notably, the Non Prosecution Agreement contains the following agreed condition:

> Further, upon execution of this agreement and a plea agreement with the State Attorney's Office, *the federal Grand Jury investigation will be suspended,* and all pending federal Grand Jury subpoenas will be held in abeyance unless and until the defendant violates any term of this agreement. The defendant likewise agrees to withdraw his pending motion to intervene and to quash certain grand jury subpoenas.

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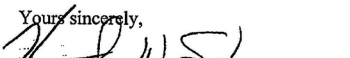

Kenneth W. Starr

cc: Deputy Attorney General Mark Filip

MAIN SUBMISSION

KIRKLAND & ELLIS LLP

SUBMISSION TO THE OFFICE OF THE DEPUTY ATTORNEY GENERAL

IN THE MATTER OF JEFFREY E. EPSTEIN

Jeffrey Epstein, a successful businessman and noted philanthropist with no prior criminal record, has been investigated for potential violations of 18 U.S.C. §§ 1591, 2422(b) and 2423(b). Since the limited review conducted by CEOS, two Supreme Court decisions—one authored by Justice Scalia and the other by Justice Thomas—have revitalized the bedrock principles that federal criminal statutes must be narrowly construed, that they may not be stretched to federalize conduct not clearly covered by their prohibitions, and that whenever there are two plausible constructions of a criminal statute, the narrower construction (hich safeguards liberty) rather than the broader construction (which expands the federal prosecutor's arsenal) controls under the venerable rule of lenity.

Mr. Epstein's conduct—including his misconduct—falls within the heartland of historic state police and prosecutorial powers. Absent a significant federal nexus, matters involving prostitution have always been treated as state-law crimes even when they involve minors. Mr. Epstein's conduct lacks ***any*** of the hallmarks that would convert this quintessential state crime into a federal one under any of the statutes prosecutors are considering.

Mr. Epstein lived in Palm Beach, and his interstate travel was merely to go home. Any sexual conduct that occurred after he arrived was incidental to the purposes for his travel. Even CEOS admitted that applying § 2423(b) to a citizen traveling home would be "novel." In fact, it would be both unprecedented and in conflict with Supreme Court cases that have withstood the test of time for over 60 years.

Moreover, Mr. Epstein did not use the internet (either via email or chatrooms) to communicate with any of the witnesses in this investigation. Indeed, he did not use any other facility of interstate commerce, including the phone, to knowingly persuade, entice, or induce anyone to visit his home—the "local" locus of all the incidents under investigation—much less to persuade, entice, or induce a known minor to engage in prohibited sex acts, as § 2422(b) requires. Nor did anyone on his behalf "persuade" or "induce" or "entice" or "coerce" anyone as these words are ordinarily understood and as the new Supreme Court decisions mandate they be applied: narrowly, without stretching ordinary usage to conform to a prosecutor's case-specific need for a broad (and in this case unprecedented) application. In addition, as will be shown below, § 2422(b) requires that the object of the communication be a state law offense that "can be charged." Yet because the state of Florida's statute of limitations is one year for the first prostitution offense and three years for other targeted offenses, and because all or virtually all of the offense conduct at issue in the federal investigation occurred prior to June 20, 2005, those acts can ***not*** be charged by the State, and thus cannot meet this essential element of federal law.

Finally, Mr. Epstein neither coerced, nor enslaved, nor trafficked, nor derived any profit from his sexual conduct. He was an ordinary "John," not a pimp. But § 1591 is directed only against those who engage in force or fraud or coercion or who are in the business of commercial

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sexual trafficking. The statute has never been applied to a "John," and only a highly and impermissibly selective prosecution could stretch § 1591 to reach conduct like that at issue in this case.

In short, without "novel" interpretive expansions—a description used by CEOS itself—it cannot be shown that Mr. Epstein violated any of the three federal statutes identified by prosecutors. As the Supreme Court's recent decisions in *Santos* and *Cuellar* make clear, federal law may not be stretched in that manner, and the current federal investigation relies, as its foundation, on impermissibly elastic stretches of each statute beyond any reported precedent; beyond the essential elements of each statute; well outside the ordinary construction of each statute's limitations; and on a selective, extraordinary, and unwarranted expansion of federal law to cover conduct that has always been exclusively within the core of state powers.

At this point in time, the need for Departmental oversight is critical. We appreciate this opportunity to submit our assessment of the key facts in this case and review of the pertinent federal statutes, and respectfully request that the Office of the Deputy Attorney General end federal involvement in this matter so that the State of Florida may resolve this case appropriately.

Summary of the Facts

Mr. Epstein has maintained a home in Palm Beach, Florida for the past 20 years. While there, he routinely conducted business, received medical attention, socialized with friends, and helped care for his elderly mother. Mr. Epstein also had various women visit his home to perform massages. He did not personally schedule the massage appointments or communicate with the women over the phone or the Internet. Rather, Mr. Epstein's personal assistants scheduled many types of appointments, personal trainers, chiropractors, business meetings and massages. The phone message pad taken from his house and in the possession of the government confirmed that in many cases, the women themselves contacted Mr. Epstein's assistants to inquire about *his* availability—rather than vice versa.

The majority of the massages were just that and nothing else. Mr. Epstein often would be on the telephone conducting business while he received his massage. At times, the masseuses would be topless, and some sexual activity might occur—primarily self-masturbation on the part of Mr. Epstein. On other occasions, no sexual activity would occur at all. There was no pattern or practice regarding which masseuse would be scheduled on a particular day—if one would be scheduled at all—or whether any sexual activity might occur. Indeed, Mr. Epstein almost never knew which masseuse his assistants had scheduled until she arrived. *See* Tab 3, [redacted] Toll Records.

Mr. Epstein specifically requested that each masseuse be at least 18 years old. The vast majority of the masseuses were in fact in their twenties, many accompanied to Mr. Epstein's home by friends or even other family members. Furthermore, most of the women who have testified that they were actually under 18 have specifically admitted to systematically lying to Mr. Epstein about their age. *See* Tab 4 [redacted] Tr. at 38-39; Tab 5, [redacted] Tr. at 16; Tab 6,

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[redacted] Tr. at 6, 8, 22, 45; Tab 7, [redacted] Tr. 13; Tab 8 [redacted] Tr. at 8; Tab 9, [redacted] Tr. at 5; and Tab 10, [redacted] Tr. at 14-15 (excerpts from these transcripts are included below). Furthermore, the women who visited Mr. Epstein's home all visited voluntarily and many willingly returned several times.

The State Attorney's Office (the "SAO") has vast experience prosecuting sex crimes and conducted an exhaustive, 15-month investigation of Mr. Epstein. A Grand Jury has concluded that Mr. Epstein was merely a local "John," guilty of soliciting prostitution in violation of state law. Notably, Florida law distinguishes soliciting from procuring and compelling prostitution if minors are involved. Indeed, soliciting is a misdemeanor except for the commission of a third subsequent offense, turning it into a felony. The SAO, therefore, sought and obtained an indictment charging Mr. Epstein with felony solicitation of prostitution. Mr. Epstein is prepared to plead guilty and accept a sentence for that offense—a sentence that, notably, is far more severe than that meted out to other "Johns" convicted of violating Florida's solicitation laws for cases in which sexual activity was alleged.

Though CEOS points out its admirable goal of "protecting children," a moniker that engenders high emotions, the conduct alleged here involves women over 16, which is the age of consent in 38 states and supplies the effective federal age of consent. The young women were by no means the target of high-school trolling; they were individuals who, with friends, visited Mr. Epstein's house—a home full of friends and staff. The civil complaints filed against Mr. Epstein reiterate the fact that the individuals who visited Mr. Epstein would visit with their friends. And Mr. Epstein never spoke to or had any contact with these women before they arrived at his house. And again, the State is handling this matter appropriately.

We respectfully submit that that should be the beginning and the end of this matter. As you know, the Department's *Petite* Policy precludes successive federal prosecutions after a State has acted: "[A] state judgment of conviction, plea agreement [here held in abeyance solely as a result of the federal investigation], or acquittal on the merits shall be a ***bar*** to any subsequent federal prosecution for the same act or acts." U.S.A.M. § 9-2.031A (emphasis added). Consistent with that principle, and of particular relevance to this case, the Department itself just recently observed the following:

> [P]rostitution-related offenses have historically been prosecuted at the state or local level. This allocation between state and Federal enforcement authority does not imply that these crimes are less serious, but rather reflects important structural allocations of responsibility between state and Federal governments.... [T]he Department is not aware of any reasons why state and local authorities are not currently able to pursue prostitution-related crimes such that Federal jurisdiction is necessary.

See Tab 11, November 9, 2007 Letter from Justice Department Principal Deputy Assistant Attorney General Brian Benczkowski to the House Committee on the Judiciary, p. 8-9.

Summary of the Law

We have reviewed every reported case under 18 U.S.C. §§ 1591, 2422(b), and 2423(b), and cannot find a single one that resulted in a conviction on facts akin to the ones here. In some respects, it is not surprising that no precedent supports federal prosecution of a man who engaged in consensual conduct, in his home, that amounts to solicitation under State law. After all, prostitution, even when the allegations involve minors, is fundamentally a State concern, *United States v. Evans*, 476 F.3d 1176, n.1 (11th Cir. 2007) (noting that federal law "does not criminalize all acts of prostitution (a vice traditionally governed by state regulation)"), and there is no evidence that Palm Beach County authorities and Florida prosecutors cannot effectively prosecute and punish the conduct. *See also Batchelder v. Gonzalez*, No. 4:07-cv-00330-SPM-AK, 2007 WL 5022105 (N.D. Fla. Oct. 19, 2007). In fact, the opposite is true—the state-elected officials, cognizant of the local mores of the community, have a lauded history of just such prosecutions.

In any event, and as set forth below, none of the federal statutes in this case remotely supports a prosecution on the facts of this case without each and every element being stretched in a novel way to encompass the behavior at issue. We begin with first principles. Courts in this country have "traditionally exercised restraint in assessing the reach of federal criminal statutes, both out of deference to the prerogatives of Congress, *Dowling v. United States*, 473 U.S. 207 (1985), and out of concern that 'a fair warning should be given to the world in language that the common world will understand, of what the law intends to do if a certain line is passed.'" *Arthur Andersen LLP v. United States*, 544 U.S. 696, 703 (2005) (quoting *McBoyle v. United States*, 283 U.S. 25, 27 (1931)) (citation omitted).

Two recent Supreme Court decisions dramatically underscore these principles and help to highlight why federal prosecution in this case would be improper as a matter of both law and policy. *See United States v. Santos*, No. 06-1005 (June 2, 2008); *Cuellar v. United States*, No. 06-1456 (June 2, 2008). Though they both address the interpretation and application of the federal money laundering statute, 18 U.S.C. § 1956, the principles they set forth are equally applicable here. In *Santos*, the Court held that the statutory term "proceeds" means "profits" rather than "receipts," and thus gave the statute a significantly narrower interpretation than what the government had urged. In his plurality opinion, Justice Scalia emphasized that where a statutory term in a criminal statute could support either a narrow or broad application, the narrow interpretation must be adopted because "[w]e interpret ambiguous criminal statutes in favor of defendants, not prosecutors." Slip op. at 12. As his opinion explained, the rule of lenity "not only vindicates the fundamental principle that no citizen should be held accountable for a violation of a statute whose commands are uncertain, or subjected to punishment that is not clearly proscribed. It also places the weight of inertia upon the party that can best induce

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Congress to speak more clearly and keeps courts from making criminal law in Congress's stead." Slip op. at 6.[1]

In *Cuellar*, the Court examined the link between the money-laundering statute's *mens rea* requirement and the underlying elements of the offense. After a careful textual analysis of the statute and its structure, the Court ruled that the defendant's conviction could be sustained only if he knew that the *transportation* of funds to Mexico was designed to conceal their nature, location, source, ownership or control—not merely that the defendant knew that the *funds* had been hidden during their transportation to Mexico. Slip op. at 10-17.

Both decisions relied on the ordinary meaning of the statutory terms Congress chose. And both rejected attempts to broaden those words to cover conduct not clearly targeted by Congress. Taken together, these decisions reject the notion that prosecutors can take language from a narrowly drawn federal statute—especially one that itself federalizes the prosecution of conduct traditionally within the heartland of State police powers—and convert it into a license to reach additional conduct by ignoring, rewriting or expansively interpreting the law. Both cases additionally rejected the notion that statutes should be broadly construed in order to facilitate prosecutions or to in anyway diminish the burden on prosecutors to prove each essential element of a federal charge in conformity with Congress's determinations as to what is within the federal criminal law and what is not. The conflict between the *Santos* and *Cuellar* decisions and CEOS's grant of effectively unlimited discretionary authority to the USAO to take federal law to "novel" places where they have never reached before could not be starker.

These lessons have no less force in the context of Executive Branch decision-making than they do in the context of Judicial interpretation. As you are aware, when federal prosecutors exercise their discretion, they bear an independent constitutional obligation to faithfully interpret the law as written—not to broaden its scope beyond the limits endorsed by both Congress and the President. There is no support for CEOS's view that the courts or a jury should ultimately decide whether a "novel" construction of the law is correct. Instead, the Executive Branch itself has a non-delegable obligation not to exceed its authority; the power of other branches to check or remedy such usurpation does not legitimize executive action that exceeds its bounds. *See* Tab 12, November 2, 1994 Memorandum from Assistant Attorney General Walter Dellinger to the Hon. Abner J. Mikva, Counsel To The President, on Presidential Authority To Decline To Execute Unconstitutional Statutes, *available at* http://www.usdoj.gov/olc/nonexcut.htm.

In this case, the text, structure, and history of the relevant federal statutes unambiguously indicate that these statutes were designed to address problems of a national and international

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[1] Justice Stevens, in his concurring opinion, also acknowledged the rule of lenity, calling the plurality opinion's discussion of that rule "surely persuasive." *United States v. Santos*, No. 06-1005, slip op. at 5 (June 2, 2008) (Stevens, J., concurring).

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scope—not the local conduct that is alleged here—and each of these statutes requires proof of the defendant's actual knowledge that simply is not present in this case. Any attempt to stretch the language of these statutes to cover this case would be a misuse of the law and contrary to express legislative intent. In short, the elements under each federal statute—18 U.S.C. §§ 1591, 2422(b) and 2423(b)—are not satisfied here.

1. **18 U.S.C. § 2422(b)**

18 U.S.C. § 2422(b) requires the government to prove beyond a reasonable doubt that the defendant engaged in communications over an interstate facility (*e.g.*, the Internet or phone) with four concurrent intentions: (1) to knowingly (2) persuade, induce, entice or coerce, or attempt to persuade, induce, entice, or coerce (3) a minor (4) to engage in prostitution or criminal sexual activity for which the person can be charged. Mr. Epstein's conduct does not satisfy the elements of § 2422(b). Each element must be individually stretched, and then conflated in a tenuous chain to encompass the alleged conduct with any individual woman.

As the statute makes clear, the essence of this crime is the communication itself—not the resulting act. The Court of Appeals for the Eleventh Circuit, in *Murrell,* underscores the point:

> The defendant in *Bailey* contended that attempt under § 2422(b) 'requires the specific intent to commit illegal sexual acts rather than just the intent to persuade or solicit the minor victim to commit sexual acts.' *Id.* at 638. In response, the court held '[w]hile it may be rare for there to be a separation between the intent to persuade and the follow-up intent to perform the act after persuasion, they are two clearly separate and different intents and the Congress has made a clear choice to criminalize persuasion and the attempt to persuade, not the performance of the sexual acts themselves. Hence, a conviction under the statute only requires a finding that the defendant had an intent to persuade or to attempt to persuade.'

United States v. Murrell 368 F.3d 1283, 1287 (11th Cir. 2004) (citing *United States v. Bailey*, 228 F.3d 637, 638-39 (6th Cir.2000)). Thus, the targeted criminal conduct must occur ***through*** the interstate facility, not thereafter, and the *scienter* element must be present at the time of the call or Internet contact.

In this case, however, Mr. Epstein did not use an interstate facility to communicate any illegal intention in this case; the phone calls were made by his assistants in the course of setting up many other appointments. Neither a conspiracy charge nor a charge of aiding and abetting can fulfill the *mens rea* requirement here. Indeed, neither Mr. Epstein nor his assistants knew whether sexual activity would necessarily result from a scheduled massage. And certainly, no such activity was ever discussed on the phone by either Mr. Epstein or his assistants. Instead, as the record in this case makes clear, many appointments resulted in no illegal sexual activity, and often, as confirmed by the masseuses' own testimony, several individuals who were contacted by phone visited Mr. Epstein's house and did not perform a massage at all. Where sexual activity

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did result, it was mainly self-pleasuring masturbation and not necessarily illegal, but spontaneous and resulted from face-to-face conversations during the massage. Thus, the fact that Mr. Epstein ***later*** may have persuaded any particular masseuse to engage in unlawful activity ***during the massage*** does not work retroactively to render the earlier scheduling phone call an offense under § 2422(b). Nor is there any evidence that women who returned to Mr. Epstein's home time and again were somehow coerced or induced over a facility of interstate commerce to do so.

The first essential element of § 2422(b) that "[w]hoever, using the mail or any facility or means of interstate or foreign commerce," by its plain language, requires that the communication, which is the essence of the crime and its *actus reus*, take place during the use of the facility of interstate commerce (in this case, unlike the vast majority of Internet chat room sting operations, a telephone). The statute is not ambiguous. It requires that the criminal conduct occur while the defendant is "using" (i.e. engaged in the communication), not thereafter.

Given the utter lack of direct evidence against Mr. Epstein, prosecutors have signaled that they intend to offer a purely circumstantial case if this matter proceeds to trial—essentially arguing that "routine and habit" evidence could substitute for actual proof that an interstate facility was used to solicit sex from minors. Thus, despite the fact that the calls themselves were not made by Mr. Epstein and did not contain the necessary explicit communication to knowingly induce minors to provide sexual favors for money, prosecutors are seeking to turn the phrase "are you available"—the same phrase used with friends, chiropractors, and trainers—into a ten-year mandatory prison sentence. In any case, the prosecution's attenuated argument regarding "routine and habit" will also not fit the facts of this case. The witness testimony at issue makes clear that there was no clear "routine or habit" with respect to the interactions at issue. And in those unpredictable instances where sexual contact resulted, it was a product of what occurred ***after*** the benign phone communication, not during the call itself.

The prosecution's theory of liability—that a call to a person merely to schedule a visit to the defendant's residence followed by a decision made at the residence to engage in prohibited sexual activity is sufficient—cannot survive either a "plain language" test or the rule of lenity as they have been authoritatively construed in the recent *Santos* and *Cuellar* cases. The statute cannot be read otherwise. As the *Cuellar* decision makes clear, a proper interpretation of a federal criminal statute is guided "by the words of the operative statutory provision," not by outside objectives, such as those facilitating successful prosecution. *See Cuellar, supra,* Slip op. at 7. As Justice Alito stated in his concurring opinion, the government must prove not just the "effect" of the secretive transportation, but also that "petitioner knew that achieving one of these effects was a design (i.e. purpose) of the transportation" of currency. *Cuellar v. United States, supra*, 553 *U.S.*, Slip op. At 1 (Alito, J. concurring). Similarly, it is not enough that one effect of a communication scheduling a visit between Mr. Epstein and a minor was that there might be subsequent face-to-face inducement. Instead, the statute, as drafted, defines the crime as the communication and demands that far more be proven than that the use of an interstate facility resulted in a later meeting where even an inducement (as opposed to a solicitation) was made.

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The prosecution has never represented to counsel that they have evidence that would prove that the inducement or enticement to engage in illegal sexual acts occurred over the phone (or Internet). The prosecution's references to "routine and habit" evidence that would substitute for the explicit communications usually found in the transcripts from chat rooms or sting operations is tenuous at best. In essence, the prosecution would be alleging communications understood, but not spoken, by two people, one of whom was usually a secretary or assistant. Separating the *actus reus* and the *mens rea*, however, and premising criminal liability on persuasion that might occur *after* the communication, or on the existence of a specific intent to engage in illegal sex with a minor that arises *after* the communication would violate the bedrock principle of criminal law that predicates liability on the concurrence of the act and the criminal state of mind. Even if, *arguendo*, the communication and *mens rea* could be separated (a premise which is at odds with the requirement of concurrence), Mr. Epstein denies that the factual proof demonstrates such a pattern or practice. Instead, the evidence compellingly proves that there was no regularity or predictability to the content of the communication or in what occurred at meetings that were telephonically scheduled (including those that are the subject of this investigation).

A second essential element of 2422(b) requires that the defendant "knowingly" induce, persuade, entice or coerce a person believed to be a minor. ". . . [K]knowingly . . . induces . . ." requires the Court to define inducement so it is consistent with its ordinary usage and so the term is not so broad that it subsumes the separate statutory terms of "entices" and "persuades." Inducement has a common legal meaning that has been endorsed by the government when it operates to *narrow* the affirmative defense of entrapment. *Inducement* must be more than "mere solicitation;" it must be more than an offer or the providing of an opportunity to engage in prohibited conduct. *See, e.g,. United States v. Sanchez-Berrios,* 424 F.3d 65, 76-77 (1st Cir. 2005); *United States v. Brown,* 43 F.3d 618, 625 (11th Cir. 1995). The government cannot fairly, or consistent with the rule of lenity, advocate a broader definition of the same term when it ***expands*** a citizen's exposure to criminal liability than when it ***limits*** the ambit of an affirmative defense to criminal conduct. If the term is ambiguous, absent clear Congressional intent on the issue, the Court's decision in *Santos* requires that the narrower rather than the broader definition be used.

The facts simply do not prove Mr. Epstein's culpability for knowingly inducing or persuading minors. First, in the case of masseuses who agreed or even sought to return to see Mr. Epstein on successive occasions, there is no evidence that there was any inducement, persuasion, enticement or coercion over the phone. And, for masseuses seeing Mr. Epstein for the first time, there was generally no telephone contact with Mr. Epstein and there was no knowledge that any third party at Mr. Epstein's specific direction was inviting them to Mr. Epstein's home over the phone rather than in face-to-face meetings. The women who visited Mr. Epstein's home were all friends of friends. Contrary to the facts in this case, § 2422(b)'s knowing inducement element is essential to federal liability and, given its hefty minimum mandatory punishment, it should not be interpreted as a strict liability statute.

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There is insufficient evidence that Mr. Epstein targeted minors, as required. The evidentiary pattern does not even establish willful blindness since Mr. Epstein took steps to ensure his visitors were over 18—and certainly took none to avoid knowing. But, even if the government contends that it possesses evidence that could demonstrate that Mr. Epstein knew or should have known or suspected that a small number of the masseuses were underage, that would still not make this an appropriate case for federal, rather than state prosecution. The federal statutes were not intended to supersede state prosecutions involving isolated instances of underage sex. Instead, the federal statutes were intended for large-scale rings or for an individual who was engaged, while using interstate facilities such as the Internet, with the willful targeting of minors.

The government's evidence, even when stretched to the limit, will not show a pattern of targeting underage persons for illegal sexual activity. A federal prosecution should not become a contest between the prosecution and defense over whether the defendant knew, suspected or should have known whether a particular person was or was not over age. The history of cases brought under this statute make crystal clear that knowledge of the defendant regarding the age of the women is required—either by admission or by incontrovertible transcripts of conversations (i.e. stings operations which require repeated acknowledgment of the defendant's awareness of the victims' age). Even states with absolute liability about mistake regarding age rarely prosecute cases where definitive proof is lacking (Palm Beach County rarely does and when it does, it imposes house arrest sentences). This is a matter for the exercise of state prosecutorial discretion and not federal mandatory minimum statutes that were not intended to cover such conduct.

A third essential element of § 2422(b) is the requirement that the government prove that the defendant actually believed that the person being persuaded (coerced, etc.) was a minor at the time of the communication. *See e.g.*, Offense Instruction 80, Eleventh Circuit Pattern Jury Instructions-Criminal (2003) ("The defendant can be found guilty of that offense only if...the defendant believed that such individual was less than (18) years of age..."); *United States v. Murrell,* 368 F.3d 1283, 1286 (11th Cir. 2004) (§ 2422(b) requires that the defendant knowingly target a minor). Importantly, then, all the elements must be proven with respect to a specific person. However, we are told that the majority of proof is no more than toll records, not recorded conversations or Internet chat transcripts, but toll records and perhaps a memory of what was said years ago on a particular call for a particular request from a particular person acting at Mr. Epstein's direction.

Two final points bear special emphasis here. The statute, which according to *Santos* and *Cuellar* must be narrowly construed, also requires that the inducement be to engage in prostitution or sexual activity "for which [the defendant] can be charged." 18 U.S.C. § 2422(b). However, simple prostitution is not defined (or made punishable) in the U.S. Code, and state law thus supplies the appropriate reference point. Under Florida law, "prostitution" entails the "giving or receiving of the body for sexual activity for hire," Fla. Stat. § 796.07(1)(a), and the term "sexual activity" is limited to "oral, anal, or vaginal penetration by, or union with, the

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sexual organ of another; anal or vaginal penetration of another by any other object; or the handling or fondling of the sexual organ of another for the purpose of masturbation." Fla. Stat. § 796.01(1)(d). Also, the Florida Supreme Court jury instructions define prostitution as involving "sexual intercourse." As a result, topless massages—even ones for hire that include *self*-masturbation—fall outside the ambit of the state-law definition of prostitution. Absent proof beyond a reasonable doubt that, at the critical time of the communication, Mr. Epstein had a specific intent to persuade another to engage in prostitution or "sexual activity," *as defined by Florida law,* he cannot be guilty of an offense under § 2422(b).

As important, the plain language of the phrase "for *which any person can be charged*" necessarily excludes acts as to which the state's statute of limitations has run. Under Florida law, prostitution and prostitution-related offenses are misdemeanors in the second degree for a first violation.[2] *See* Fla. Stat.. § 796.07(4)(a). The limitations period for a misdemeanor in the second degree is one year, and there is no tolling provision based upon the victim's age. *See* Fla. Stat. § 775.15(b). Even as to allegations of third degree felonies, the statute of limitations is three years. Thus, any conduct alleged to have occurred before mid-June 2005 cannot be charged as a matter of state law and thus cannot be a predicate for a § 2422(b) offense—even if the federal statute of limitations has not run on any given § 2422(b) offense because of the lengthier statute codified in 18 U.S.C. § 3282. Thus, no prosecution under § 2422(b) can be brought based upon inducement of prostitution or sexual activity for which Florida's statute of limitation has run. Furthermore, in Florida, the statute of limitations does not simply give rise to an affirmative defense. On the contrary, statute of limitations "creates a substantive right which prevents prosecution and conviction of an individual after the statute has run." *See State v. King*, 282 So. 2d 162 (Fla. 1973); *Tucker v. State*, 417 So. 2d 1006 (Fla. 3d D.C.A. 1982) (citing cases).

Given the one-year statute of limitations, any conduct that might amount to prostitution or other chargeable sexual activity that occurred before one year from today is not conduct for which any person can be charged with a criminal offense. Also, given the three year statute of limitations for third degree felonies, any allegations of illegal state criminal conduct that is classified as a third degree felony cannot be charged in the state and, concomitantly, cannot be the basis for a federal charge under § 2422(b), to the extent that it occurred—as did almost all of the pivotal allegations (e.g., the [redacted] allegation which was made in March of 2005) prior to mid-June of 2005.

2. <u>18 U.S.C. § 1591</u>

[2] The offense is a felony of the third degree only for a third or subsequent violation. Fla. Stat. § 796.07(4)(c).

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18 U.S.C. § 1591, a sex trafficking statute, provides up to 40 years' imprisonment for anyone (1) who recruits or obtains by any means a person in interstate commerce (ii) knowing that the person is under 18 and (iii) knowing that the person will be caused to engage in a commercial sex act. The most heinous of crimes, described on the CEOS website, fall within this statute and include the buying and selling of children and the forced servitude of third-world immigrants brought to this country to be enslaved. Mr. Epstein's behavior is nowhere near the heartland of this statute. This statute has also been previously reserved for prostitution rings involving violence, drugs and force. In stark contrast, there is no jurisdictional hook that brings Mr. Epstein's conduct within the ambit of the statute, and securing a prosecution on these facts would require a court to set aside both reason and precedent to convict a local 'John' with a sex-slavery crime. It can not be said that Mr. Epstein engaged in trafficking and slavery nor did he knowingly recruit or obtain underage women with knowledge that they would be caused to engage in a commercial sex act. Thus, prosecuting him under this statute would expand the law far beyond its scope.

To the extent there are cases where prosecutors think that Mr. Epstein should have known that certain women were underage, there is no evidence that Mr. Epstein "*caused* [them] to engage in a commercial sex act." The term "cause" naturally implies the application of some sort of force, coercion, or undue pressure, but there is no evidence that Mr. Epstein's interactions with the women were anything but consensual. Again, many of the women phoned Mr. Epstein's assistant themselves in order to determine whether ***he*** wanted a massage. Nor can the cause requirement be proved simply by the fact that Mr. Epstein compensated the women. After all, the statute ***elsewhere*** requires that the women "engage in a commercial sex act," which by definition means that they would have received something of value in exchange for sexual services. Interpreting the statute to authorize prosecution whenever a commercial sex act results from solicitation thus would render the term "caused" superfluous, and would make every 'John' who interacts with an underage prostitute guilty of a federal crime—even where the transaction is entirely local. Read in context, then, there is no doubt that the statute targets pimps and sex-traffickers who knowingly obtain underage girls and direct them to engage in prostitution. There is not a shred of evidence that Mr. Epstein (or his assistants) did any such thing, and he cannot be prosecuted under this statute.

The *Cuellar* and *Santos* decisions also foreclose a prosecution under § 1591. Just as the federal money laundering statute did not come down to a proscription against transportation of criminal proceeds that are hidden, the sex trafficking of children statute cannot be boiled down and expanded to a federal proscription of commercial sexual activity with persons who turn out to be below the age of 18.

3. <u>18 U.S.C. § 2423</u>

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18 U.S.C. § 2423(b), a statute enacted to prevent sex tourism, provides up to 30 years of imprisonment for anyone who travels across state lines (i) for the purpose of engaging in (ii) illicit sexual conduct with a minor. Neither of those elements is satisfied here.

Mr. Epstein did not travel to Palm Beach ***for the purpose of*** engaging in sexual activity with a minor, within the meaning of the statute. The evidence is indisputable that Palm Beach was where Mr. Epstein spent most of his discretionary time, and that his travels to Palm Beach were merely trips returning often to his home of twenty years—not the escapades of a sex tourist off to some destination inextricably intertwined with the required significant or dominant purpose of that trip to be to have "illicit sexual conduct." Epstein's trips to Palm Beach were simply those of a businessperson traveling home for weekends or stopping over on his way to or from New York and St. Thomas or to visit his sick and dying mother in the hospital for months on end. He certainly did not travel to his home in Florida for the dominant purpose of engaging in sexual conduct with a person who he knew was under 18 when he did not know, at the time he decided to travel, from whom he was to receive a massage, if he were to receive one at all.

In *Cuellar,* the unanimous Supreme Court linked the term "design" in the money-laundering statute to the terms "purpose" and "plan," and stressed that those terms all required the defendant to "formulate a plan for; devise"; "[t]o create or contrive for a particular purpose or effect"; [carry out] "[a] plan or scheme"; or "to conceive and plan out in the mind." Slip. op. at 12 (citing dictionary definitions). The same link is present here, and it simply cannot be said that Mr. Epstein's design, plan, or purpose in traveling to Palm Beach was to engage in illicit sexual conduct with minors; his design or plan or purpose was simply to return to his home.

Any construction of § 2423(b)'s "for the purpose of" language to include purposes beyond the dominant purpose of the travel would run afoul of the rule of lenity and due process principles discussed earlier. Any attempted prosecution of Mr. Epstein under a more expansive construction of the "for the purpose of" language would also violate the separation of powers doctrine. Congress, which selected the "for the purpose of" language signaled no clear intention to make it a federal crime whenever an actor has engaged in illicit sexual conduct following his crossing of state lines as long as it might be said that sexual activity at his destination was among the activities he pursued there. Congress well knows how to write a statute in this field which eliminates a purpose requirement. *See* 18 U.S.C. § 2423(c)("Any United States citizen or alien admitted for permanent residence who travels in foreign commerce, and engages in any illicit sexual conduct with another person ..."). § 2423(b) is not such a statute.

Federal court decisions watering down the "for the purpose of " requirement fly in the face of the two Supreme Court decisions addressing that element. See *Hansen v. Huff*, 291 U.S. 559 (1934); *Mortensen v. United States,* 322 U.S. 369 (1944). *Santos* and *Cuellar* speak loudly and clearly against prosecutors seeing such elasticity in federal criminal statutes, including those enacted to protect important federal interests. In cases involving the federalization of activity that is within the *States'* historic police power, Congress must speak with particular clarity. *See, e.g., Will v. Michigan Dep't of State Police*, 491 U.S. 58, 65 (1989).

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Relevant Past Cases

We have not been able to find a single federal prosecution based on facts like these—but have voluminous evidence of federal prosecutors routinely declining to bring charges in cases far more egregious than this one. To take just one obvious example, federal prosecutors have self-consciously refrained from involvement in the literally dozens of sexual cases of former priests, opting instead to allow seasoned state prosecutors (like the ones in this case) to pursue the accused former clergymen. That is so despite (1) the large number of victims, (2) the vast geographic diversity of the cases, and (3) the fact that some of these cases involve allegations that the defendant forcibly molested, abused, or raped literally dozens of children—including some as young as five years old—over a period of years. Nonetheless, federal prosecutors have not hesitated to let their state counterparts pursue these cases free from federal interference—even though the sentences meted out vary greatly on account of the fact that "[c]riminal penalties are specific to localities or jurisdictions."[3] The facts of this case, which involve the solicitation of consensual topless massages and some sexual contact, entirely in the privacy of his home and almost entirely by women over the age of 18, pale in comparison to the outright sexual abuse and degradation of preteen minors in many of the priest cases.

Nor does this case bear any of the hallmarks that typify the cases that federal prosecutors have pursued under the federal statutes at issue here. When asked, the closest case suggested by the prosecutors was *United States v. Boehm*—and it hardly could differ more from Mr. Epstein's case. In *Boehm*, the defendant was charged with conspiracy to distribute cocaine and cocaine base to minors, in violation of 21 U.S.C. §§ 846, 841(a)(1), and 859(a); being a felon in possession of a firearm, in violation of 18 U.S.C. § 922(g)(1); and sex trafficking of children in violation of 18 U.S.C. §§ 371 and 1591. *United States v. Boehm*, Case No. 3:04CR00003 (D. Alaska 2004). Boehm's actions, unlike Mr. Epstein's, also had a strong interstate nexus: Boehm purchased and distributed large quantities of crack cocaine and cocaine that traveled in interstate commerce, and he used his home and hotels (which were used by interstate travelers) to purchase drugs and distribute them to minors while also arranging for these minors to have sex with him and others. Indeed, Boehm not only (1) purchased cocaine in large quantities; (2) distributed the drugs to minors; (3) possessed illegal firearms; (4) and arranged for the minors to have sex with other members of the conspiracy in exchange for drugs; but (5) admitted to knowing the ages of the individuals involved.[4] Here, by contrast, as previous stated, all of the conduct took place in Mr. Epstein's private home in Palm Beach; there was no for-profit enterprise; no interstate component; no use by Mr. Epstein of an instrumentality of interstate commerce; no violence; no force; no alcohol; no drugs; no guns; and no child pornography.

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[3] *See* http://www.bishop-accountability.org/reports/2004_02_27_JohnJay/2004_02_27_Terry_JohnJay_3.htm #cleric7.

[4] In fact, Boehm and his co-defendants distributed drugs to approximately 12 persons between the ages of 13 and 21. Boehm also had a prior criminal history—and one that clearly showed he was a danger to society: he previously had been convicted of raping both a thirteen year-old girl and a fifteen year-old girl. (Day 7 of Sentencing hearing p. 32).

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To the extent there is a similar, but more egregious, local Florida case on the books, it is that of Barry Kutun, a former North Miami city attorney accused of having sex with underage prostitutes and videotaping the sessions. Mr. Kutun pleaded guilty on May 18, 2007 in a Miami-Dade County courtroom as part of an agreement with State prosecutors and he received five years probation and a withholding of adjudication with no requirement to register as a sex offender—all without a shred of involvement by federal prosecutors, who declined to prosecute him. Indeed, given the wide use of the telephone in today's society, it gives a rogue prosecutor carte blanche to turn any local crime into a federal offense. Given the federal government's decision to abstain from prosecuting that case, it is hard to understand how the federal prosecutors responsible for this case think that the State's treatment of Mr. Epstein somehow leaves federal interests substantially unvindicated. There is simply no basis for the federal prosecutors' disparate treatment of Mr. Epstein.

Summary of the Evidence

Finally, we wish to share new evidence—obtained through discovery in connection with the civil lawsuits filed in this matter—which confirms that further federal involvement in this matter would be inappropriate. This testimony taken to date categorically confirms that (i) Mr. Epstein did not target minors; (ii) women under 18 often lied to Mr. Epstein about their ages; (iii) Mr. Epstein did not travel in interstate commerce for the purpose of engaging in illegal sexual activity; (iv) Mr. Epstein did not use the Internet, telephone or any other means of interstate communication to coerce or entice alleged victims; (v) Mr. Epstein did not apply force or coercion to obtain sexual favors; and (vi) all sexual activity that occurred was unplanned and purely consensual. The women's own statements—made under oath—demonstrate the absence of a legitimate federal concern in this matter, and highlight the serious practical difficulties an attempted federal prosecution would face.

- Mr. Epstein did not recruit or obtain these women in interstate commerce (necessary for a conviction under § 1591).
  - [redacted] confirmed that she did not know Mr. Epstein and had absolutely no contact with him—be it through Internet, chat rooms, email, or phone—prior to their arrival at his home. *See* Tab 13, [redacted] Tr. (deposition), p. 30.
  - [redacted] has stated that (like many other women) she first met Mr. Epstein when her friend, [redacted] introduced her to him. *See* Tab 14, [redacted] Tr. A, p. 4-5.
- Mr. Epstein was told the girls were over 18.
  - [redacted] expressly admitted to lying to Mr. Epstein about her age. *See* Tab 13, [redacted]. (deposition), p. 37 ("Q. So you told Jeff that you were 18 years old, correct? A. Yes.").
  - [redacted] stated that she not only always made sure she had a fake ID with her and lied to Mr. Epstein by telling him she was 18, but that she

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also had conversations with other women in which these women hoped that "Jeffrey didn't find out [their] age[s]." *See* Tab 6, Miller Tr., p. 45.

- [redacted] also stated that she: "would tell my girlfriends just like [redacted] approached me. Make sure you tell him you're 18. Well, these girls that I brought, I know that they were 18 or 19 or 20. And the girls that I didn't know and I don't know if they were lying or not, I would say make sure that you tell him you're 18." *See* Tab 6, [redacted] Tr., p. 22.
- [redacted] stated that [redacted] old her say that she was 18 if asked. *See* Tab 14, [redacted] Tr. A, p. 8.
- [redacted] stated that she "told him I was 19." *See* Tab 5, [redacted] Tr., p. 16.

- Mr. Epstein did not know these women would be caused to engage in a sex act (necessary for a conviction under § 1591) and any sexual activity that took place was unplanned.
  - [redacted] stated "sometimes [Mr. Epstein] likes topless massages, but you don't have to do anything you don't want to do. He just likes massages." *See* Tab 6, [redacted] Tr., p. 7.
  - [redacted] also stated "[s]ometimes [Mr. Epstein] just wanted his feet massaged. Sometimes he just wanted a back massage." *See* Tab 6, [redacted] Tr., p. 19.
- Mr. Epstein did not use an interstate facility to communicate an illegal objective to the alleged victims (necessary for a conviction under § 2422(b)).
  - [redacted] confirmed that Mr. Epstein never emailed, texted, or chatted in an Internet chat room with her. *See* Tab 13, [redacted] (deposition), p. 30.
- Mr. Epstein did not target minors (necessary for a conviction under § 2422(b))
  - [redacted] stated, "I always made sure -- I had a fake ID, anyways, saying that I was 18. And [[redacted] (who is [redacted] friend who brought her to Mr. Epstein's home)] just said make sure you're 18 because Jeffrey doesn't want any underage girls." *See* Tab 6, [redacted] Tr., p. 8.
- Mr. Epstein did not use the phone or the Internet to induce proscribed sexual activity (necessary for a conviction under § 2422(b)).
  - [redacted] stated that there was never any discussion over the phone about her coming over to Mr. Epstein's home to engage in sexual activity: "The only thing that ever occurred on any of these phone calls [with [redacted] [redacted] or another assistant] was, 'Are you willing to come over,' or,

'Would you like to come over and give a massage." *See* Tab 14, [redacted] Tr. A, p. 15

- [redacted] confirmed that she was informed that she was going to Mr. Epstein's house to give him a massage and nothing else, and that no one "said anything to [her] on the telephone [or over the Internet] about sexual activity with Mr. Epstein." *See* Tab 13, [redacted] (deposition), p. 24-25.

- [redacted] also confirmed that no one associated with Mr. Epstein ever tried to call her or contact her through the Internet to try to persuade, induce, entice or coerce her to engage in any sexual activity. *See* Tab 13, [redacted] (deposition), p. 31.

- Mr. Epstein did not travel to Palm Beach for the purpose of engaging in sexual activity with a minor (necessary for a conviction under § 2423(b)).

  - Mr. Epstein spent at least 100 days a year in Palm Beach for family purposes, business purposes, and social purposes, and to maintain a home.

  - While in Palm Beach, Mr. Epstein routinely visits family members and close friends, has seen his primary care physician for checkups and prescribed tests in the Palm Beach area, and until her death in April of 2004, regularly saw his mother who was hospitalized and then convalesced in south Florida.

  - From 2003 through 2005 there was no month when Mr. Epstein did not spend at least one weekend in Palm Beach.

  - The Palm Beach area is the home base for his flight operations, for maintenance of his aircraft, and for periodic FAA inspections.

  - Additionally, Mr. Epstein's pilots and engineers all resided in Florida.

- Mr. Epstein's conduct did not involve force, coercion or violence and any sexual activity that took place was consensual. The witness transcripts are replete with statements such as the following:

  - [redacted] stated that she was not persuaded, induced, enticed or coerced by anyone to engage in any sexual activity. *See* Tab 13, [redacted] Tr. (deposition), p. 31.

  - [redacted] stated: "[Mr. Epstein] never tried to force me to do anything." *See* Tab 14, [redacted].

  - [redacted] stated, "I said, I told Jeffrey, I heard you like massages topless. And he's like, yeah, he said, but you don't have to do anything that you

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don't feel comfortable with. And I said okay, but I willingly took it off." *See* Tab 6, [redacted].

- [redacted] also stated "[s]ome girls didn't want to go topless and Jeffrey didn't mind." *See* Tab 6, [redacted]

- Mr. Epstein did not engage in luring.
  - Mr. Epstein's message books show that several masseuses would regularly call Mr. Epstein's assistants, without any prompting by Mr. Epstein or his assistants, asking to visit Mr. Epstein at his home.
  - [redacted] stated "a lot of girls begged me to bring them back [to Mr. Epstein's house]."
- There was no alcohol or drugs involved, a fact that is not in dispute.
- Mr. Epstein has no prior criminal history, a fact that is not in dispute.
- These women do not see themselves as victims.
  - [redacted] indicated under oath that the FBI attempted to persuade her that she was in fact a "victim" of federal crimes when she herself repeatedly confirmed that she was not. *See* Tab 14, [redacted], p. 9-12 and Tab 15, [redacted]r. B, p. 7.

Conclusion

Jeffrey Epstein, a self-made businessman with no prior criminal history, should not be prosecuted federally for conduct that amounts to, the solicitation of prostitution. A federal prosecution based on these facts would be an unprecedented exercise of federal power, a misuse of federal resources, and a prosecution that would carry with it the appearance, if not the reality, of unwarranted selectivity given the incongruity between the facts as developed in this matter and the factual paradigms for all other reported federal prosecutions under each of the three statutes being considered. It would require the pursuit of a novel legal theory never before sanctioned by federal law—and that indeed is inconsistent with each of the statutes prosecutors have identified. Accordingly, we respectfully request that you direct the U.S. Attorney's Office for the Southern District of Florida to discontinue its involvement in this matter, and return responsibility for this case to the State of Florida.

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SUMMARY OF MISCONDUCT

KIRKLAND & ELLIS LLP

SUMMARY OF MISCONDUCT ISSUES IN THE MATTER OF JEFFREY E. EPSTEIN

The manner in which federal prosecutors have pursued the allegations against Mr. Epstein is highly irregular and warrants full review by the Department. While we repeatedly have raised our concerns regarding misconduct with the United States Attorney's Office in Miami (the "USAO"), not only has it has remained unwilling to address these issues, but Mr. Epstein's defense counsel has been instructed to limit its contact to the very prosecutors who are the subject of this misconduct complaint. For your review, this document summarizes the USAO's conduct in this case.

Background

1. In March 2005, the Palm Beach Police Department opened a criminal investigation of Palm Beach resident, Jeffrey E. Epstein. The press has widely reported that Mr. Epstein is a close friend of former President Bill Clinton.

2. In July 2006, after an intensive probe, including interviews of dozens of witnesses, returns of numerous document subpoenas, multiple trash pulls and the execution of a search warrant on his residence, Mr. Epstein was indicted by a Florida Grand Jury on one count of felony solicitation of prostitution.

3. In a publicly released letter, Palm Beach Police Chief Michael Reiter criticized the Grand Jury's decision and the State Attorney's handling of the case. Shortly after the Grand Jury's indictment, the Chief took the unprecedented step of releasing his Department's raw police reports of the investigation (including Detective Recarey's unedited written reports of witness statements and witness identification information), that were later proven to be highly inaccurate transcriptions of witnesses' actual statements. The Chief also publicly asked federal authorities to prosecute the case.

Jeffrey Sloman Becomes Involved in Mr. Epstein's Case at the Earliest Stage

4. In early November of 2006, Epstein's lawyers had their initial contact with the newly assigned line federal prosecutor, A. Marie Villafana. Although it is extremely unusual for a First Assistant United States Attorney to participate in such a communication, FAUSA Jeffrey Sloman was present on that very first phone call.

5. On November 16, 2006, despite that the fact that the investigation exclusively concerned illegal sexual conduct during massage sessions, AUSA Villafana issued irrelevant official document requests seeking Mr. Epstein's 2004 and 2005 personal income-tax returns, and later subpoenaed his medical records. *See* Tab 16, November 16, 2006 Letter from M. Villafana.

Sloman Becomes Personally Involved in a Dispute Over Another State Sex Case

6. In March 2007, FAUSA Sloman reported to local police an attempted trespass by a 17-year-old male. Mr. Sloman claimed that the individual had attempted to enter Mr. Sloman's home without invitation to make contact with his 16-year-old daughter, but he spotted the young man before the perpetrator had an opportunity to enter the house. The

same individual had previously fled the home of another neighbor after entering that house uninvited, when, looking for the bedroom of their 17-year-old daughter, he mistakenly entered the bedroom of their 14-year-old daughter, touched her on the leg and startled her awake. *State of Florida v. Johnathan Jeffrey Zirulnikoff*, Case No. F078646 (June 28, 2007).

7. After a thorough review by the Miami State Attorney's Office, and sex-crimes prosecutor Laura Adams, the investigation revealed that the defendant and both the neighbor's 17-year-old daughter and Mr. Sloman's daughter were previously acquainted. The defendant was charged with simple trespass in connection with his unauthorized entry into the neighbor's house. *Id.*

8. FAUSA Sloman, however, demanded that the young man be *registered as a sex offender* and objected to any sentence short of incarceration. The Assistant State Attorney in charge of the sex-crimes unit reported Mr. Sloman's conduct during the proceedings as "outrageous." The defendant's attorney described Mr. Sloman as being "out of control." Shortly after, Mr. Sloman began publicly deriding the elected State Attorney, his office and the state process for prosecuting sex offenses, as "a joke."

Unauthorized Tactics in Disregard of the United States Attorney's Manual are Used

9. In June 2007, AUSA Villafana subpoenaed the investigating agent of Epstein's attorney, Roy Black, in a clear effort to invade the defense camp. The subpoena was specifically drafted to discover the investigator's contacts, with all prospective witnesses, Mr. Epstein and his attorneys.[1] Not surprisingly, Ms. Villafana issued this subpoena *without the requisite prior approval* by the DOJ's Office of Enforcement Operations. *See* United States Attorneys' Manual, § 9-13.410. When confronted, she misleadingly responded that she had consulted with the Department of Justice and *was not required to obtain OEO approval* because her subpoena was not directed to "an office physically located within an attorney's office." *See* Tab 18, December 13, 2007 Letter from M. Villafana at 4 n.1. This answer clearly suggests that Ms. Villafana had intentionally misled the Department officials about the items that her subpoena sought.[2]

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[1] The subpoena sought, among other things: "All documents and information related to the nature of the relationship between [the investigator and/or his firm] and Mr. Jeffrey Epstein, including but not limited to . . . records of the dates when services were performed . . . telephone logs or records of dates of communications with Mr. Epstein (or with a third party on Mr. Epstein's behalf); appointment calendars/datebooks and the like (whether in hard copy or electronic form) for any period when work was performed on behalf of Mr. Epstein or when any communication was had with Mr. Epstein (or with a third party on Mr. Epstein's behalf) . *See* Tab 17, June 18, 2007 Subpoena to William Riley/ Riley Kiraly, ¶ 3.

[2] Indeed, we are aware of two other recent instances in which Villafana placed serious misrepresentations before a court. On July 31, 2007, in the grand-jury litigation arising out of this case, she filed the "Declaration of Joseph Recarey," attaching the state detective's affidavit in support of a search warrant for Epstein's house. *See In Re Grand Jury Subpoenas Duces Tecum OLY-63 and OLY-64*, No. FGJ 07-103(WPB) (S.D. Fla. July 31, 2007). At the time she filed Detective Recarey's affidavit, she knew it contained numerous material misrepresentations, including gross misstatements of witness statements and other evidence. Second, we

(Continued...)

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Mr. Epstein is Required to Agree to Civil Liability In Order to Avoid a Federal Indictment

10. On July 31, 2007, during negotiations over a possible federal plea agreement, FAUSA Sloman and AUSA Villafana demanded that Mr. Epstein agree to the imposition of civil liability under 18 U.S.C. § 2255 as a pre-condition to deferral of federal prosecution. To the best of our knowledge, the inclusion of such a term in a deferred prosecution agreement of this kind is absolutely unprecedented.[3] Specifically, Ms. Villafana demanded that Mr. Epstein waive the right to contest civil liability to a list of individuals she said were "victims" of § 2255, ***whose names, however, she refused to disclose,*** and agree to ***pay damages of a minimum of $150,000*** to each and every one of such undisclosed individuals, and ***hire an attorney to represent them if they decided to sue him***. *See* Tab 20, July 31, 2007 Draft of Deferred Prosecution Agreement.

11. FAUSA Sloman and AUSA Villafana insisted that the identities of the individuals on the list not be disclosed to Mr. Epstein or his counsel ***until after Mr. Epstein was already sentenced*** in the state case.

    (a) Over the next two months, Mr. Sloman refused to negotiate these terms. They ultimately became incorporated into the final deferred prosecution agreement. *See* Tab 21, September 24, 2007 Non-Prosecution Agreement, ¶¶ 7-11.

    (b) It was not until seven months later, in February 2008, that Epstein's lawyers were able to take their first official statement from one of the women FAUSA Sloman alleged were minor victims of federal offenses.

    (c) This statement, a deposition of [redacted], the initial complainant in the state case, taken in the presence of her lawyer, proved that none of the necessary elements for any federal charge could be satisfied based on [redacted]'s brief contact with Mr. Epstein. The witness also admitted lying to Mr. Epstein, testifying that she told him that she was an adult and wanted him to believe that she was an adult. *See* Tab 13, [redacted] (deposition), p. 35 ("Q. So you told Jeff that you were 18 years old, correct? A. Yes."), 37 ("Q. You wanted Mr. Epstein to believe that you really were 18, right? A. Correct.").

    (d) Shortly after this deposition, the defense was able to obtain statements from other women on Mr. Sloman's so called "list of § 2255 victims" and, so far, all such statements also continue to demonstrate that Mr. Sloman's repeated representations to the defense about the existence of federal jurisdiction were false.

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understand that Villafana was recently reprimanded at a special hearing convened by a United States District Judge in the West Palm Beach Division of the Southern District of Florida, for making misrepresentations during a prior sentencing proceeding.

[3] In fact, Stephanie Thacker, a former deputy to CEOS Chief Drew Oosterbaan, has stated that she knew of no other case like this being prosecuted by CEOS.

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12. In August 2007, in a clear attempt to coerce a state settlement, Ms. Villafana threatened to broaden the investigation to include a money laundering violation (18 U.S.C. § 1956), though all the funds expended were simply Mr. Epstein's, and a violation for operating an unlicensed money-transmitting business (18 U.S.C. § 1960), though Mr. Epstein never had such a business. *See* Tab 22, August 31, 2007 Letter from M. Villafana to Ross (reciting, in a target letter to one of Epstein's employees, that the investigation concerns "suspected violations of federal law, including but not limited to, possible violations of Title 18, United States Code, Sections . . . ***1591, . . . 1956, 1960*** . . . .") (emphasis added).

13. On the very same day that the grand jury issued subpoenas to the records-custodian and employees of Epstein's businesses for ***all financial transactions*** from 2003 forward, Ms. Villafana (who we were told was not authorized to act in this regard without supervisory approval) ***promised to close the money-laundering investigation*** "if the sex offense case is resolved." *See* Tab 23, August 16, 2007 Letter from M. Villafana to G. Lefcourt ("In other words, if the sex offense case is resolved, the Office would close its investigation into other areas as well. The matter has not been, and it does not appear that it will be, resolved so the money laundering investigation continues, and Request Number 6 [seeking records of every financial transaction conducted by Epstein and his six businesses from "January 1, 2003 to the present"] will not be withdrawn.").

14. Two weeks later, when Mr. Epstein continued to oppose federal prosecution during negotiations and Mr. Epstein's counsel sought a meeting with the United States Attorney, AUSA Villafana then classified all of Mr. Epstein's assistants as targets (sending a target letter to one of them and promising the attorney of the other two that additional target letters would be served on them as well), dispatched FBI agents to the homes of two of his secretaries, and personally telephoned Mr. Epstein's largest business client to advise him of the nature of the investigation. *See* Tab 22, August 31, 2007 Letter from M. Villafana to [redacted]

<u>FAUSA Sloman Forces Mr. Epstein's Lawyers to Convince the State Prosecutors To Impose a More Severe Sentence Than They Believe Is Appropriate</u>

15. Throughout the plea negotiations with the USAO, Mr. Sloman and Ms. Villafana continually insisted that the only way they would agree not to bring a federal indictment was if Epstein's lawyers, not the state prosecutors as required under the *Petite Policy*, convinced the state prosecutors to impose a more severe punishment than the state believed was appropriate under the circumstances.

16. FAUSA Sloman's version of the history with respect to the sentence he required Mr. Epstein's lawyers to seek from the State contradicts his later assertion, which is patently false—that *"the SDFL indicated a willingness to defer to the State the length of incarceration"* and *"considered a plea to federal charges that limited Epstein's sentencing exposure . . . "* *See* Tab 1, May 19, 2008 Letter from J. Sloman. In fact, by a email dated August 3, 2007, Criminal Division Chief Matthew Menchel advised the defense that the federal government required a minimum term of two years of incarceration. See Tab 40, August 3, 2007 Email from M. Menchel. Subsequently, Ms.

Villafana emailed the defense stating that United States Attorney Acosta would accept no less than 18 months of incarceration, following by a one-year term of house arrest.

Federal Prosecutors Misrepresented the Number of Alleged "Victims."

17. In September 2007, in order to add additional pressure on Mr. Epstein to execute a deferred prosecution agreement, AUSA Villafana claimed that there were "40" minors on the government's list of purported § 2255 victims. To compound that misleading characterization, she continued to insist that a guardian-ad-litem be appointed to represent these purported "minors" in the proceedings. *See* Tab 24, September 19, 2007 Email from M. Villafana to J. Lefkowitz.

18. When challenged as to whether there was a genuine need for a ***guardian,*** given that Ms. Villafana continued to refuse to disclose the names or any other information about her putative list of "minors," she eventually conceded that ***only "I is definitely under 18*** still, and ***I think*** there is another minor." *See* Tab 25, September 23, 2007 Email from M. Villafana to J. Lefkowitz (emphasis added).

19. The next day, AUSA Villafana retreated from the number "40," stating that she had now "compiled a list of ***34 confirmed minor victims with no definition of how they would be considered as such.***. There are six others, whose names we already have, who need to be interviewed by the FBI to confirm whether they were 17 or 18 at the time of their activity with Mr. Epstein." *See* Tab 26, September 24, 2007 Email from M. Villafana to J. Lefkowitz (emphasis added). This statement indicated that, at least the "six others" (and, as it turns out, all those identified except two) had reached the age of majority, and, in fact, no guardian was necessary to represent their interests.

Defense Counsel was Falsely Advised That the Non Prosecution Agreement Would Be Kept Confidential.

20. On September 24, Epstein and the USAO executed a Non Prosecution Agreement.

21. His attorneys asked Ms. Villafana to "please do whatever you can to keep this from becoming public." *See* Tab 27, September 24, 2007 Email from J. Lefkowitz to M. Villafana.

22. Ms. Villafana replied that she had "forwarded your message **only to** Alex [Acosta], Andy [Lourie], and Rolando [Garcia]. I don't anticipate it going any further than that." *Id.*

23. Ms. Villafana stated that the agreement would be "placed in the case file, which will be kept confidential since it also contains identifying information about the girls." *Id.*

The Prosecution Immediately Notifies Three Plaintiffs That Mr. Epstein Has Executed A Non Prosecution Agreement

24. In direct violation of these representations, "shortly after the signing," the government notified "three victims" of the "general terms" of the Non Prosecution Agreement. *See*

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Tab 18, December 13, 2007 Letter from M. Villafana (admitting that the notification occurred "shortly after the signing").

AUSA Villafana Misleads Mr. Epstein In An Attempt To Refer Plaintiffs to Her Boyfriend's Close Friend

25. On September 25, Ms. Villafana recommended a local products-liability defense attorney, Humberto "Bert" Ocariz, Esq., for the highly lucrative post of attorney representative for the government's list of as-yet-undisclosed "victims."[4]

    (a) Ms. Villafana wrote to the defense, "I have never met Bert, but ***a good friend in our appellate section*** and one of the district judges in Miami are good friends with him and recommended him." *See* Tab 28, September 25, 2007 Email from M. Villafana to J. Lefkowitz (bottom email) (emphasis added).

    (b) Ms. Villafana failed to disclose that this "***good friend*** in our appellate section" was her ***live-in boyfriend***. *See* Tab 18, December 13, 2007 Letter from M. Villafana (conceding the "relationship" with "my boyfriend").

    (c) Beyond her clear conflict-of-interest and affirmative effort to conceal it, it is unimaginable that AUSA Villafana would have engaged in an *ex-parte* communication with a United States District Judge in the same district about the details of a pending grand-jury investigation without prior disclosure and supervisory approval.

    (d) Later, it became clear that Ms. Villafana also had at least one other *ex-parte* communication with that same United States District Judge about the grand jury's investigation. *See* Tab 29, October 5, 2007 Email from M. Villafana to J. Lefkowitz (stating that "one of the District Judges in Miami mentioned [retired Judge Joseph Hatchett] as a good choice" to decide any fee disputes concerning Epstein's paying for a lawyer to represent the unnamed women in claims against Epstein).

26. The next day, AUSA Villafana advised the defense that she was removing one of the alternatives to Mr. Ocariz from our consideration, on the basis that "one of his partners is married to an AUSA here," and explained that, because of that personal relationship,

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[4] These actions were improper. As you know, the Department prohibits employees from using any nonpublic information to secure private benefits of any kind: "An employee ***shall not ... allow the improper use of nonpublic information to further his own private interest or that of another, whether through advice or recommendation, or by knowing unauthorized disclosure.***" 5 C.F.R. § 2635.703 (emphasis added). Among the examples of prohibited disclosure specifically illustrated by this regulation is the disclosure of nonpublic information to "friends" to further their financial interests, *id.*, at Example 1, and the disclosure of nonpublic information to a newspaper reporter, *id.*, at Example 5 (see allegations below regarding the leak to the *New York Times*). Furthermore, the Justice Department prohibits its employees from using their position to benefit friends or relatives. *See* 5. C.F.R. § 2635.702; *see also* 5. C.F.R. § 2535.502.

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"[t]here is too great a chance of an appearance of impropriety." *See* Tab 28, September 26, 2007 Email from M. Villafana to J. Lefkowitz.

27. The following day, Ms. Villafana relayed that, and asked us to respond to, the very first concern raised Mr. Ocariz, which was "how are they going to get paid" and whether "there is any cap or other limitation on attorney's fees that [Epstein] will pay in the civil case." *See* Tab 30, September 27, 2007 Email from M. Villafana to J. Lefkowitz.

28. Ms. Villafana clearly contemplated that Mr. Epstein would be paying for Mr. Ocariz at his "hourly rate" to represent the alleged "victims" against Epstein even "if all [the] girls decide they want to sue." *Id.*

29. When the defense complained of Ms. Villafana's undisclosed conflict-of-interest in selecting her boyfriend's friend to prosecute civil claims against Mr. Epstein on behalf of her undisclosed list of purported "victims," Ms. Villafana later argued that Mr. Epstein had no right to complain because "the Non-Prosecution Agreement vested the Office with the exclusive right to select the attorney representative." *See* Tab 18, December 13, 2007 Letter from M. Villafana. Shortly after being notified, however, United States Attorney Acosta removed Mr. Ocariz from consideration, and requested an amendment to the Non Prosecution Agreement.

30. In response to the many complaints about Ms. Villafana's misconduct and violations of the United States Attorney's Manual, Criminal Division Chief Matthew Menchel characterized her as "unsupervisable."

31. Contrary to the express agreement of United States Attorney Acosta that the federal government would not interfere in the administration of any state sentence, FAUSA Sloman continued to try to deny the right of the State to issue work release and/or gain time by stating that Mr. Epstein must "make a binding recommendation that the Court impose" a sentence of 18 months of continuous confinement in the county jail. *See* Tab 21, September 24, 2007 Non Prosecution Agreement. Shortly thereafter, Mr. Sloman sent the FBI to meet with the state sex-crimes prosecutor in an attempt to secure her commitment to oppose a work release option.

FAUSA Sloman Attempts to Thwart Discovery

32. On October 31, Mr. Sloman emailed Mr. Epstein's counsel, confirming that "I understand that the plea and sentence will occur on or before the ***January*** 4th [2008] date." *See* Tab 41, October 31, 2007 Email from J. Sloman to J. Lefkowitz (emphasis added).

33. On November 5, despite Mr. Sloman's having sent that email just one week before, after learning that the defense had begun to question women on their "list," Mr. Sloman wrote Mr. Epstein's attorneys demanding that his plea and sentencing in the State case now ***be moved up to November*** 2007. *See* Tab 2, November 5, 2007 Letter from J. Sloman.

34. Mr. Sloman further demanded in the letter that Mr. Epstein's attorneys "confirm that there will be no further efforts to contact any victims" until the victims are represented by counsel. *Id.* As the women were all adults, there could be no lawful justification for Mr.

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Sloman's demand, other than to protect prospective plaintiffs from being interviewed prior to their retaining an attorney (including, as it turned out, Mr. Sloman's former law partner) to bring civil lawsuits against Epstein.

35. Mr. Sloman also demanded that Epstein "begin his term of incarceration not later than January 4, 2008," *id.*, which turned out to be just three weeks before the first civil lawsuit would be filed against Epstein.

36. Contrary to the express agreement of United States Attorney Acosta that the federal government would not interfere in the administration of any state sentence, Mr. Sloman tried to limit gain time and or work release by stating that Mr. Epstein must "make a binding recommendation that the Court impose a sentence of 18 months of continuous confinement in the county jail." *Id.* (This followed Mr. Sloman's position that the Office would consider a state sentence ordering probation in lieu of incarceration to be a breach of the deferred-prosecution agreement.) Shortly thereafter, Mr. Sloman sent the FBI to meet with the state sex-crimes prosecutor in an attempt to secure her commitment to oppose work release.

37. Mr. Sloman insisted that Mr. Epstein not learn the identities of the government's list of alleged "victims" *until after Epstein was sentenced and incarcerated.*

38. We have reason to believe that, around this same time, Mr. Sloman's former law partner, Jeffrey Herman, had met with the father of one of the prospective plaintiffs, Saige Gonzalez.[5] At the same time (and until as recently as March of 2008), the Official Florida Bar website continued to identify Mr. Sloman as a named partner in Mr. Herman's firm. *See* Tab 31, Florida Bar Website page.

39. Mr. Herman, who is the named partner in the former firm of Herman, Sloman, & Mermelstein, filed five lawsuits, each asking for $50 million, against Mr. Epstein. Each lawsuit is entitled "*Jane Doe #* vs. Jeffrey Epstein," despite the fact that each of the plaintiffs is an adult and not entitled to plead anonymously. *See* Tab 32, Examples of Federal Complaints.

40. Mr. Herman convened press conferences contemporaneously with filing three of the suits. In the most recent press conference, he admitted that all of the plaintiffs lied to Epstein about their ages. *See* Tab 33, Herman Public Statement. One of the supposedly traumatized "victims" actually pled in her complaint that she returned to Epstein's house "on many occasions for approximately three years." Another of these supposedly traumatized "victims" herself acted to introduce her friends and acquaintances to Mr.

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5 The Justice Department rules disqualify employees from working on matters in which their former employers have an interest: "***an employee shall be disqualified for two years from participating in any particular matter in which a former employer is a party or represents a party if he received an extraordinary payment from that person prior to entering Government service.*** The two-year period of disqualification begins to run on the date that the extraordinary payment is received." 5 C.F.R. § 2635.503(a) (emphasis added).

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Epstein. All of these plaintiffs are apparently on the above-described government "victim" list.

FAUSA Sloman Attempts to Encourage Civil Suits and the Hiring of the Government's Choice of Attorney

41. On November 27, Mr. Sloman sent an email to Mr. Epstein's attorneys stating that "I intend to notify the victims by letter after COB Thursday [two days later]." *See* Tab 34, November 27, 2007 Email from J. Sloman to J. Lefkowitz.

42. The morning of November 28, attorneys for Mr. Epstein faxed a letter to Assistant Attorney General Alice Fisher, requesting a meeting with her to discuss the impropriety of the USAO's encouraging civil lawsuits against Mr. Epstein under the guise of the terms of the Non Prosecution Agreement. *See* Tab 35, November 28, 2007 Letter from K. Starr to A. Fisher.

43. Late in the day on November 28, Epstein's attorneys received from AUSA Villafana a copy of the USAO's proposed victim-notification letter that "***Jeff [Sloman]*** asked that I forward." *See* Tab 36, November 28, 2007 Email from M. Villafana to J. Lefkowitz.

    (a) The proposed victim-notification letter cited as authority the "Justice for All Act of 2004" (which U.S. Attorney Acosta later agreed had no application to these circumstances). It referred to the addressees as minor "victims," suggested they make statements in state court, that they were not entitled to make, and referred incorrectly to Mr. Epstein as a "sexual predator." *Id.*

    (b) FAUSA Sloman also proposed advising recipients, in an underlined sentence that, "<u>You have the absolute right to select your own attorney</u>" to "assist you in making . . . a claim" for "damages from [Epstein]." But that "[i]f you do decide to use [two attorneys selected by the U.S. Attorney's "special master"] as your attorneys, Mr. Epstein will be responsible for paying attorney's fees incurred during the time spent trying to negotiate a settlement." *Id.*

The USAO Leaks Confidential Information to the *New York Times*

44. Perhaps most troubling of all, the USAO has repeatedly leaked information about this case to the media—including to Landon Thomas, the senior business correspondent for the *New York Times*. We have personally reviewed Mr. Thomas's own notes, and they are remarkably detailed about highly confidential aspects of the prosecution's theory of the case and the plea negotiations.

45. Mr. Thomas's calls to the USAO initially were referred to Assistant United States Attorney David Weinstein. AUSA Weinstein informed Mr. Thomas that federal authorities were considering charging Mr. Epstein under 18 U.S.C. §§ 1591, 2422 and 2423, and told the reporter that Mr. Epstein had both lured girls over the telephone and traveled in interstate commerce for the purpose of engaging in sex with minors. AUSA Weinstein also divulged the terms and conditions of the USAO's negotiations with Mr. Epstein—including the fact that Mr. Epstein had proposed "house arrest" with extra

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stringent conditions—which Mr. Weinstein could only have learned from FAUSA Sloman, AUSA Villafana or United States Attorney Acosta himself.

46. AUSA Weinstein then asked why Mr. Epstein should ... be treated differently than anyone else. Mr. Thomas apparently stated that he understood that there was evidence that the women had lied about their ages. AUSA Weinstein replied that this was not a defense and that Mr. Thomas should not believe "the spin" of Mr. Epstein's "high-priced attorneys." Indeed, Mr. Weinstein told Mr. Thomas that the USAO was very concerned about a Palm Beach editorial that questioned whether Mr. Epstein would receive a rich man's justice. AUSA Weinstein then stated that, in fact, Mr. Epstein "doesn't have a defense."

47. Mr. Epstein's attorneys learned of the call and complained to the USAO. Counsel for Mr. Epstein then had an in-person meeting with FAUSA Sloman and United States Attorney Acosta describing these leaks to the *New York Times*. During Mr. Thomas' next call to the USAO, made two weeks later, AUSA Weinstein "admonished" him (in the words of Mr. Thomas) for disclosing the contents of their prior conversation to the defense, and strongly "reminded" Mr. Thomas that AUSA Weinstein's prior comments about Mr. Epstein had only been "hypothetical" in nature. That claim is sheer nonsense: AUSA Weinstein had disclosed specific details of Mr. Epstein's case, including plea terms proposed by the defense, as revealed based on Mr. Thomas's own contemporaneous hand-written notes.

48. Shortly thereafter, Mr. Sloman wrote to the defense that Mr. Thomas was given, pursuant to his request, ***non-case specific information*** concerning ***specific*** federal statutes." *See* Tab 37, February 27, 2008 Email from J. Sloman. Again, that claim was utterly false; Mr. Thomas's contemporaneous hand-written notes, reviewed by Jay Lefkowitz, confirm that the USAO had violated settled Department policy and ethical rules by providing case-specific information about the Department's legal theories and plea negotiations.

Conclusion

We bring these difficult and delicate matters of misconduct to your attention not to require any disciplinary action or review by the Office of Professional Responsibility. Although we have been told that some of this misconduct has been self-reported (only after we raised these complaints in writing), we feel confident that not all the facts were adequately presented. Rather, we believe that they are highly relevant to your decision whether to authorize a federal prosecution in this case. This pattern of overzealous prosecutorial activity strongly suggests improper motives in targeting Jeffrey Epstein, not because of his actions (which are more appropriately the subject of state prosecution), but, rather, because of who he is and who he knows. We also bring this pervasive pattern of misconduct to your attention because we believe it taints any ongoing federal prosecution. The misconduct pervades the evidence in this case. The offers of financial inducement to witnesses, improperly encouraged by the government, make their potential testimony suspect. The reliance on tainted evidence gathered by the state will require a careful sorting out of poisonous fruits.

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Most important, however, is that the extraordinary nature of this misconduct, so unusual in ordinary federal prosecutions, raises the gravest of concerns about why prosecutors would go to such lengths in a case already being prosecuted by the State and with so little, if any, federal concern. Accordingly, we ask you to conduct your own investigation of these matters, because we believe that what we have provided you may constitute only the tip of a very deep iceberg. Without the power of subpoena, which we currently lack, we are unable to dig deeper. We strongly believe that there is far more exculpatory evidence that has not been disclosed, more leaks that we have not yet uncovered and more questionable behavior. This is a case that cries out for a deeper investigation than we are capable of conducting, before any decision to prosecute is permitted.

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RESPONSE TO FAUSA SLOMAN'S LETTER

KIRKLAND & ELLIS LLP

Response to Letter by FAUSA Sloman Dated May 19, 2008

In a May 19, 2008 letter to Jay Lefkowitz (*See* Tab 1), SDFL First Assistant U.S. Attorney Jeffrey Sloman provided what purported to be a summary of the events that have occurred during the investigation of Mr. Epstein. Mr. Sloman's letter is fraught with inconsistencies, false and misleading characterizations and outright falsehoods. The comparison below between the false assertions in Mr. Sloman's letter and what actually transpired is only the tip of the iceberg. We respectfully submit that Mr. Sloman's letter alone demonstrates the degree to which the record of facts have been distorted and these distortions have permeated this unprecedented investigation.

1. "INDEPENDENT" AND "DE NOVO" REVIEW.

Mr. Sloman's Letter:

- "[W]e obliged your request for an independent *de novo* review of the investigation and facilitated such review at the highest levels of the Department of Justice. " Tab 1, May 19, 2008 Letter from J. Sloman, p. 5, ¶ 3.

The Truth:

- CEOS' review, concluded in May 2008, was neither independent nor *de novo*.
  - CEOS' review was not "independent:"
    - Drew Oosterbaan, who conducted the review on behalf of CEOS, ***had already reviewed the prosecution memo on this matter eight months earlier***. During a meeting with defense counsel at the United States Attorney's Office in Miami (the "USAO") in September of 2007, he opined that he so believed in the prosecution that he "***would try the case myself***."
    - Indeed, Mr. Sloman acknowledges that Mr. Oosterbaan had previously opined on this matter, stating:

      > This particular attack on this statute [18 U.S.C. § 2242(b)] had been ***previously*** raised and thoroughly considered ***and rejected by . . . CEOS*** prior to the execution of the [Deferred Prosecution] Agreement [in September 2007].

      Id., p. 5 (emphasis added).

    - The statute Mr. Sloman referred to (§ 2422(b)) lies at the heart of the Epstein investigation. Thus, according to Mr. Sloman, Mr. Oosterbaan was tasked with ***reviewing his own prior decision*** regarding applying the key statute under which the SDFL proposed prosecuting Mr. Epstein.

- The defense immediately raised concerns regarding the non-independence of the review when told that it would be Mr. Oosterbaan tasked with providing the review, but was told that when Mr. Oosterbaan rendered his prior opinion, "he was not really up to speed on the facts"

- CEOS' review was not *de novo*:

  - By letter dated May 15, 2008 (four days before Mr. Sloman's letter), Mr. Oosterbaan advised Mr. Lefkowitz that CEOS reviewed the matter only for ***abuse of discretion***:

    > ***[T]he question we sought to answer*** was whether U.S. Attorney Acosta would ***abuse his discretion*** if he authorized prosecution in this case.

    See Tab 38, May 15, 2008 Letter from D. Oosterbaan, p. 1 (emphasis added). *See also, id.,* p. 2 ("Mr. Acosta would not be ***abusing his discretion*** if he decided to pursue such a course of action."); and p. 5 ("Mr. Acosta would not be ***abusing his*** prosecutorial ***discretion*** should he authorized federal prosecution of Mr. Epstein.").

  - For the factual record of its "abuse of discretion" review, CEOS relied on the very same prosecution memo that it had already reviewed in rendering its prior opinion, stating:

    > As you know, our review of this case is limited, both factually and legally. We have not looked at the entire universe of facts in this case.

    See Id., p. 1 (emphasis added).

  - Nor did CEOS review any facts related to the irregular provisions in the Deferred Prosecution Agreement or the numerous complaints of prosecutorial misconduct, both of which are inextricably intertwined with the impropriety of the investigation. *Id.* at 1.

2. NOTIFICATION OF WITNESSES.

Mr. Sloman's Letter:

- Mr. Sloman dismissed the totality of the defense's objections to the inappropriate notification the SDFL proposed to send to its witnesses, stating merely that:

  > "[Y]ou objected to victims['] being notified of ***time and place*** of Epstein's state[-]court sentencing hearing."

See Tab 1, May 19, 2008 Letter from J. Sloman, p. 4, ¶ 1.

The Truth:

- The defense engaged in days of negotiation and made 14 separate ***substantive*** objections to the unprecedented notification letter that Mr. Sloman threatened to send to an undisclosed list of "victims." The eventual transmission of this highly misleading letter was only halted by an appeal to AAG Fisher. Among those substantive objections (which related to far more than the "time and place" of the state's sentencing hearing) were:

    - Sending the letter would contravene the government's commitment to take no position regarding potential claims of government witnesses. *See* Tab 39, November 28, 2008 Email from J. Lefkowitz to J. Sloman.

    - The letter cited to an inapplicable statute (the Justice for All Act of 2004) as its justification for being sent. *Id.* AUSA Acosta later conceded that the citation to this statute as a justification was wholly incorrect.

    - The letter wrongly advised all recipients that Mr. Epstein would be required to register as "a ***sexual predator*** for the remainder of this life."

    - The letter amounted to an invitation to civil litigation against Mr. Epstein, advising recipients that they had the right to seek civil damages from Mr. Epstein, and in an underlined instruction, stated that if they chose an attorney other than the one chosen by the government they would be required to pay his fees, but if they chose the government's choice, Mr. Epstein would be required to pay the fees.

3. MISCHARACTERIZATION OF OUR ARGUMENTS.

Mr. Sloman's Letter:

- Mr. Sloman's letter misleadingly characterizes our substantive defense of the government's investigation as, "the investigation merely produced evidence of relatively innocuous sexual conduct with some minors who, unbeknownst to Mr. Epstein, misrepresented their ages."

  See Tab 1, May 19, 2008 Letter from J. Sloman, p. 2.

The Truth:

- We never made such a claim. To the contrary, we argued that sworn statements we have taken of the alleged victims demonstrate that law enforcement has presented versions of their testimony that are necessarily sensationalized and fictionalized. We presented

evidence that Mr. Epstein routinely and daily receives massages from adults. Only a small percentage of the masseuses turned out to be minors. The majority of those minors interviewed by law enforcement admitted to lying directly to Epstein about their ages (not "unbeknownst to Epstein"), and inventing further false details to substantiate their lies. Indeed, the civil attorney for several of these women admitted at his recent press conference that they lied to Mr. Epstein about their ages. Numerous witnesses testified that Mr. Epstein asked that all masseuses be over the age of 18. Further, the evidence is undisputed that Mr. Epstein's assistants scheduled the massages and Mr. Epstein did not know which masseuses his assistants had scheduled on a particular day, until the massage took place. We admitted that there was sexual conduct, and argued—not that it was "innocuous" as Mr. Sloman alleges—but that it was mostly Mr. Epstein's own self-pleasuring, which did not satisfy the requisite federal element of criminal sexual conduct (which is, in turn, defined by state law). These are important distinctions and show that Mr. Sloman has misrepresented the record about the most basic part of our defense.

4. SLOMAN DEMANDS AN UNREALISTIC DEADLINE TO COMPLY WITH AN AGREEMENT HE UNILATERALLY MODIFIES.

Mr. Sloman's Letter:

- "Unless [Mr. Epstein] complies with all of the terms and conditions of the [Deferred Prosecution] Agreement, ***as modified by the United States Attorney's December 19, 2007 letter to Ms. Sanchez*** by close of business on Monday, June 2, 2008, the SDFL will elect to terminate the Agreement." *Id.*, p.1

The Truth:

- The Deferred Prosecution Agreement was **never** modified by U.S. Attorney Acosta's December 19, 2007 letter. Oddly, Mr. Sloman acknowledges this on page 4 of his May 19 letter, where he writes that Mr. Acosta "proposed" this modification and that "[Mr. Lefkowitz] rejected these proposals." Thus, Mr. Sloman is threatening to terminate the Deferred Prosecution Agreement, unless Mr. Epstein complies with a unilateral modification that Mr. Sloman concedes was never agreed to by defense counsel.

- Orchestrating the information, plea and sentencing requirements of the Deferred Prosecution Agreement within the extremely limited two-week timeframe imposed by Mr. Sloman's June 2, 2008 deadline would have been difficult enough.

- More importantly, as explained below, the SDFL has refused to provide the defense with information it requires to enable Mr. Epstein to comply with the additional plea and sentencing requirements of the Deferred Prosecution Agreement (let alone, by the June 2 deadline arbitrarily imposed by Mr. Sloman).

    - The Deferred Prosecution Agreement requires Mr. Epstein to plead guilty to and be sentenced for an additional offense which requires that he be registered as a sex offender. In different places in his May 19, 2008 letter, Mr. Sloman

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describes the additional charge to which Mr. Epstein is required to plead guilty under the Deferred Prosecution Agreement as "procurement of minors to engage in prostitution" or "solicitation of minors to engage in prostitution." The former is an offense for which Mr. Epstein would be required to register, but one for which the state has no evidence to charge Mr. Epstein and the SDFL refuses or is unable to provide evidence that it claims it has. The latter requires no registration, but it is the offense which, over and over again, Ms. Villafana insisted upon including in the Deferred Prosecution Agreement, and is one which the State believes is appropriate. The inconsistency between the description of the offense required by the SDFL, the elements of an offense that can be justified on the facts of this case and the SDFL's requirement that the offense be a registrable one has created substantial confusion.

- As a result of this confusion, in December 2007, both the defense and the state requested that the SDFL provide the factual allegations to enable Mr. Epstein and the State to create a truthful factual recitation of a registrable offense required by the Deferred Prosecution Agreement, but, to date, the SDFL has failed to do so without any explanation.

- Mr. Sloman refuses to provide the requested factual allegations, which the State cannot furnish, and now demands a two week deadline to comply. Thus Mr. Sloman has unreasonably imposed a deadline with which he himself has made it impossible for Mr. Epstein to comply.

5. WAIVER OF APPEAL TO ASSISTANT ATTORNEY GENERAL FISHER.

Mr. Sloman's Letter:

- "[T]he SDFL provided you with 30 days to appeal the decision to the Assistant Attorney General of the United States Alice Fisher" and "you chose to forego an appeal to AAG Fisher."

  Id., p. 2.

The Truth:

- Mr. Acosta tolled an August 17 deadline, acknowledging that there were "serious issues" about the case that needed to be discussed, and scheduled a meeting with the defense for September 7, 2007. At the September 7, 2007 meeting, with Drew Oosterbaan in attendance, the government dismissed the defense's objections and set a September 21, 2007 deadline to finalize a non-prosecution agreement or the defense would face an already-drafted 53-page indictment, purportedly identifying 40 minors, with a guideline range of 188 months.

- Facing Ms. Villafana's threatened draconian indictment, without the claimed offer of the right to raise objections in an appeal to AAG Fisher, the defense chose to negotiate an

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Agreement to Defer Prosecution to the State, an agreement without precedent and fraught with substantial practical and legal hurdles to its implementation.

6. THE SDFL DID NOT DEFER TO THE STATE.

Sloman's Letter:

- "[T]he SDFL indicated a willingness to defer to the State the length of incarceration."

  Id., p. 2.

The Truth:

- The SDFL neither deferred to the State, nor even discussed with the State, the length of Mr. Epstein's incarceration. In a letter to the defense, Criminal Division Chief, Matthew Menchel rejected the sentence contemplated by the State's plea agreement, writing that "the federal interest will not be vindicated in the absence of a ***two-year term*** of state imprisonment." *See* Tab 40, August 3, 2007 Email from M. Menchel. Of course, this position is contrary to Section 9-2031D of the U.S. Attorney's Manual (indicating that the "result" of a state prosecution is "***presume[d]***" to have vindicated the federal interest). It is understandable, therefore, that Mr. Sloman might want to retreat from it now. Indeed, the final Deferred Prosecution Agreement (DPA) restricts the state-court judge from exercising any of his rightful discretion and to specifically prohibit the judge from offering probation, community control or any other alternative in lieu of incarceration. DPA, ¶ 2(a).

7. SUGGESTION OF ADDITIONAL STATE PLEA

Mr. Sloman's Letter:

- The parties considered: "as suggested by [the defense], a plea to state charges encompassing Epstein's conduct." *See* Tab 1, May 19, 2008 Letter from J. Sloman, p.2, ¶ 2.

The Truth:

- It was the government, and not the defense, that suggested a plea to state charges to resolve the federal investigation. Andrew Lourie proposed declining prosecution in favor of the state. Although Mr. Epstein and the State Attorney's Office ***had already reached a plea agreement***, in August 2007, Mr. Sloman and AUSA Marie Villafana warned that they intended to prosecute Epstein federally unless his counsel (*i.e.,* not the U.S. Attorney's Office) sought ***more stringent conditions*** to the State's proposed plea agreement. These stringent conditions included, among other things, the two-year prison term demanded by Mr. Menchel (discussed above) and a charge requiring him to register as a sex offender.

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8. ALL IDENTIFIED VICTIMS BE PUT IN SAME POSITION AS IF EPSTEIN HAD BEEN TRIED.

Mr. Sloman's Letter:

- "The Agreement provides for a method of compensation for the victims such that they would be placed in the same position as if Epstein had been convicted of one of the enumerated offenses set forth in Title 18, United States Code Section, 2255."

  Id.

The Truth:

- Mr. Sloman continues to mischaracterize the highly irregular provisions of the Deferred Prosecution Agreement. The SDFL did not merely attempt to preserve the compensation rights of those it identified as victims; it attempted to create compensation rights for those it identified, without imposing on them the burden of proving that they were in fact victims under § 2255.

  - In the Deferred Prosecution Agreement, the SDFL required Mr. Epstein to waive the right to contest liability under 18 U.S.C. § 2255 as to a list of individuals that the SDFL would not disclose to Mr. Epstein until after he was sentenced and to pay for an attorney to secure compensation under § 2255 for those undisclosed individuals, or if they decided to sue Mr. Epstein.

  - § 2255 ordinarily provides individuals with a right to recover minimum guaranteed damages of $150,000, without having to prove actual damages, only if: (1) they were victims of an enumerated federal offense, including offenses under 18 U.S.C. §§ 2422 and 2423, (2) they were minors at the time of the offense, and most importantly (3) they were personally injured as a result of the offense.

  - The defense has confirmed examples of women who testified that they were not victims of Mr. Epstein and suffered no personal injury. These women were, nevertheless, on the list of "victims" identified by the government. . In fact, when confronted with the testimony of a women who denied both being a victim and incurring personal injury, Ms. Villafana actually acknowledged such testimony. To justify inclusion of that woman on the government's list, however, Ms. Villafana then challenged her own witness's credibility.

- For this reason, it is false to state that these "identified" individuals are in the same position that they would have been had Epstein been convicted at trial. Had there been a trial, Mr. Epstein would have had a right to confront these individuals through cross-examination. Any individual that did not establish that she was a minor victim of conduct that satisfied each element of an enumerated statute under § 2255,or that she suffered personal injury, would not qualify for any treatment under § 2255. However, under the Deferred Prosecution Agreement, as an "identified individual" on the government's list,

this same individual would nevertheless be entitled to engage an attorney paid for by Mr. Epstein to recover $150,000 of damages from Mr. Epstein under § 2255 without ever alleging any injury. In fact, the defense was told that the only question Mr. Epstein would be permitted to ask before paying the girls is " have you ever met Epstein.". Thus, the Deferred Prosecution Agreement places identified individuals in a far better position than they would be in if Mr. Epstein were convicted at trial.

9. ASSIGNMENT OF RIGHT TO SELECT LEGAL REPRESENTATIVE.

Mr. Sloman's Letter:

- "Prior to any issues arising concerning the implementation of the 2255 provision, the SDFL unilaterally agreed to assign its responsibility to select the attorney representative for the alleged victims to an ***independent*** third-party."

  See Tab 1, May 19, 2008 Letter from J. Sloman, p. 4, f.3.

The Truth:

- That such an assignment was the SDFL's "***unilateral***" decision is false. Before the SDFL decided to assign selection of the "attorney representative" to an independent third party, AUSA Marie Villafana had already proposed an "attorney representative." She had proposed local products-liability lawyer, Humberto Ocariz, and claimed he had been recommended by a "good friend in the Appellate Division." Ms. Villafana's account was misleading, as it omitted that this "good friend" was her live-in boyfriend, and that Mr. Ocariz was his former law-school roommate. When we discovered this independently, we objected. Only then did the SDFL propose assigning the selection process to an independent special master and agree to amend the Deferred Prosecution Agreement. Thus, while it may be true that the SDFL assigned its selection responsibility to avoid the appearance of favoritism, it did not do it "***unilaterally***," but, rather, only after Epstein uncovered the Office's misleading disclosure and apparent conflict-of-interest.

10. TIMETABLE FOR MOVING FORWARD.

Mr. Sloman's Letter:

- "On February 25, 2008, I sent you an e-mail setting forth a timetable for moving forward in the event that CEOS disagreed with your position. That time is now."

  Id., p. 6.

The Truth:

- Mr. Sloman provides only part of the history of this case in order to justify his improper actions. He had stated he would close the investigation if CEOS told him to. However, CEOS at our very first contact said that under no circumstances did they see that as their

role. They said they would only advise on an abuse of discretion standard. Making the outcome a foregone conclusion. Furthermore, in response to the February 25 e-mail, which attempted to establish a schedule to limit the entire review process (the defense has repeatedly suggested that the misconduct was intertwined with the investigation and would therefore seek higher review), Mr. Lefkowitz e-mailed Mr. Acosta directly. On February 29, 2008, Mr. Sloman responded to Mr. Lefkowitz's e-mail to Mr. Acosta, stating that Mr. Sloman was acting out of frustration, but "[p]lease be assured that it has not, and never has been, this Office's intent to interfere or restrict the "review process" for either Mr. Epstein or CEOS. I leave it to you and CEOS to figure out how best to proceed and will await the results of that process." As stated above, CEOS determined that it would not review many of the defense's objections and as to the remainder of those objections, its review would be limited (contrary to Mr. Acosta's assurances), which left the need, supplemented by the defense's subsequent request, for a more thorough review of critical issues by others at the Department of Justice. Mr. Sloman's re-imposition of the (albeit modestly extended) timetable was an obvious attempt, in violation of his February 29 agreement, to thwart the request made by the defense to the Deputy Attorney general, to complete the review process that Mr. Acosta had promised.

11. "DELAY."

Mr. Sloman's Letter:

- In a section entitled "*Delay,*" Mr. Sloman states that "the SDFL again agreed to accommodate Epstein's request to appear in state court for plea and sentencing on January 4, 2008."

  Id., p. 3.

The Truth:

- Curiously, Mr. Sloman fails to mention correspondence from the U.S. Attorney stating that delay of that date would be "inevitable" as the defense has raised "serious questions" about the propriety of the prosecution. Strikingly, in that same section, Mr. Sloman claims that "the Agreement ***did not contemplate a staggered*** 'plea and sentencing,'" despite quoting, three sentences earlier, from the Agreement's ***staggered requirement*** that Epstein plead and be sentenced by October 26, and "begin serving his sentence not later than January 4, 2008."

* * *

We are, like most attorneys seeking Department review, without access to the USAO prosecution summaries or other submissions to the Department. Given the substantial issues that have been raised in this and other submissions, we request that you conduct a de novo review that goes beneath the face of any conclusions being advocated by the USAO; instead, we seek a review that is based on the transcripts of witness testimony themselves so that the reviewer can

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make an independent decision not adversely affected by conclusions that over and over have proven, witness by witness, allegation by allegation, to be inaccurate and unwarranted and not an appropriate basis for the exercise of federal prosecutorial authority.

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THACKER RESPONSE TO CEOS'S LETTER

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June 19, 2008

Mr. John Roth
Senior Associate Deputy Attorney General
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950 Pennsylvania Avenue, N.W.
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Dear Mr. Roth:

I write to offer my reaction to the May 15, 2008 correspondence from the United States Department of Justice Child Exploitation and Obscenity Section ("CEOS") regarding the federal investigation of Jeffrey Epstein by the United States Attorney's Office for the Southern District of Florida ("USAO").[1] I will refrain from recounting Mr. Epstein's arguments in detail here, but, rather, will highlight salient points responsive to the CEOS letter.

In particular, I write from a background well familiar with child exploitation cases and victim/witness issues. As the CEOS letter points out (CEOS letter at p. 3), I was a member of CEOS. In fact, I served as a federal prosecutor for twelve years; five years as an Assistant United States Attorney for the Southern District of West Virginia, and seven years at CEOS. I began working as a trial attorney for CEOS in 1999, and was promoted to Deputy Chief for Litigation in 2002, and ultimately to Principal Deputy Chief for the Section in 2004.

As those who have worked with me know, I have a history of working diligently on behalf of victims of crime. While at the United States Attorney's Office for the Southern District of West Virginia, I was a part of the prosecution team that prosecuted the first case in the country under the federal Violence Against Women Act. United States v. Bailey, 112 F.3d 758 (4th Cir.), cert denied, 522 U.S. 896 (1997). The case went to trial and the defendant was sentenced to life in prison. I also spearheaded the domestic violence and federal criminal child support prosecution efforts for that office, prosecuting some of the first cases in the country under the federal Child Support Recovery

1 Citations to the May 15, 2008 correspondence will be referenced herein as "CEOS letter at p. ___."

Act. Later, while at the Department of Justice, I co-authored the Department's Federal Child Support Prosecution Handbook.

My work at CEOS permitted me to continue my efforts on behalf of vulnerable victims of crime. While there, for example, I was part of the prosecution team in United States v. Dwight York, 428 F.3d 1325 (11th Cir. 2005), cert denied, 548 U.S. 908 (2006). York was the leader of a pseudo religious organization, and systematically molested countless children, some as young as six years old. The case went to trial and York was sentenced to 135 years in prison. As part of that trial team, I was awarded the Attorney General's Award for Distinguished Service. Additionally, at CEOS I was one of the architects of the Innocence Lost Initiative, a nationwide initiative designed to combat child prostitution. For this, I was awarded an Assistant Attorney General's Award for Outstanding Victim/Witness Service. Likewise, I was awarded a subsequent Assistant Attorney General's Award for Special Initiative in connection with a nationwide sex tourism prosecution initiative I helped to develop.

I say all this not for any boastful purpose, but, rather, to make clear that I am fully cognizant of victim issues, and that I am no pushover in terms of prosecution standards. I am also very well aware of the good work of CEOS, and the outstanding credentials of those who toil in that office.

With all due respect to CEOS, however (and recognizing that their review of this case was quite limited), given the facts and circumstances of this investigation, a federal prosecution of Mr. Epstein simply should not be countenanced. In my view, such prosecution would be counter to the important mandate of the Department of Justice as emblazoned on its seal, "Qui Pro Domina Justitia Sequitur," referring to the Attorney General "who prosecutes on behalf of justice."

As you well know, it is fundamental to that mandate that, as the representative of the people of the United States, the duty of a federal prosecutor is not simply to seek conviction as at any cost, but, rather, to seek justice. Berger v. United States, 295 U.S. 78, 88 (1935). ("The United States Attorney is the representative not of an ordinary party to a controversy, but of a sovereignty whose obligation to govern impartially is as compelling as its obligation to govern at all.") While it is true that Berger was decided at the post-trial, as opposed to the pre-indictment, stage of the case, the bedrock principle contained in the above quote should transcend the entire investigation and prosecution process. Indeed, it is arguably most imperative at the investigation stage, at which point law enforcement is dealing with a presumptively innocent citizen.

In summary, we understand the allegations against Mr. Epstein to be that Mr. Epstein paid individuals to find friends and acquaintances, certain of whom were under the age of 18, to provide topless massages to him at his Palm Beach home in exchange for money. Mr. Epstein's assistants allegedly scheduled these massages for him over the telephone at the direction of Mr. Epstein, allegedly including some scheduling calls to underage women. However, the evidence contradicts these allegations. First, Mr. Epstein did not ask that the masseuses be under the age of 18. To the contrary, he specifically asked that they be 18 or older. As one witness commented, [redacted] **said tell**

them you're 18 because if you're not, he won't let you in his house." [redacted] Tr. at 38-39. Second, Mr. Epstein himself did not schedule such appointments. Third, Mr. Epstein would not know who would be providing a massage at any particular time. Fourth, and importantly, Mr. Epstein's assistants were not directed to contact underage women, and were not aware of the true ages of the women they contacted. In fact, more often than not, the masseuses themselves, or the individuals who introduced the masseuses, made the initial contact. As a result, Mr. Epstein and his assistants were routinely unaware of the identities of many of these young women before they arrived.

The allegations further include the assertion that Mr. Epstein engaged in unlawful sexual conduct with certain underage women who arrived at his house to provide a massage. At times, during these massages, Mr. Epstein masturbated, engaged in some sexual touching, and a small number of alleged acts of penetration. However, most of the women who performed massages on Mr. Epstein were over the age of 18. Many of the young women have sworn under oath that they, in fact, told Mr. Epstein that they were 18 or older, and that they did so because they knew that if they were not 18 years old, they would not be allowed into Mr. Epstein's home. In fact, Mr. Epstein has passed a polygraph examination to this effect relative to the government's primary, and youngest, alleged victim. [redacted] Indeed, many of the women also worked at local massage parlors, which presumably had a requirement that the masseuse have reached the age of majority. To the extent there are allegations that Mr. Epstein should have been alerted to certain underage women based on conversations he allegedly had with them, those conversations would have taken place in person and at his home, thereby precluding any prior scheduling with knowledge of their true ages. As explained below, any factual allegations of repeat massages with such persons would lack necessary elements required for a federal nexus to such conduct.

All of the alleged activity occurred in Mr. Epstein's home in Palm Beach, Florida. Many of the massages allegedly involved conduct which, even if engaged in, is not proscribed by federal law, either because the masseuses were of age, or because conduct with underage masseuses only involved topless massages, massages in undergarments or naked massages. To the extent prohibited sexual activity occurred, any inducement, enticement, and/or persuasion used would have taken place during a face-to-face encounter—thus eliminating the possibility for the commission of a federal crime, which requires the existence of a communication through a facility of interstate commerce in which the defendant persuades or entices the minor to engage in illegal sexual activity. Furthermore, any prohibited sexual activity that did occur based on the facts on the record is best left to the state to address because the facts of this case do not fall comfortably within the federal domain.

This is a case about purely local activity, involving local actors, and affecting local interests and thus, should be handled by local authorities. Nonetheless, the USAO has indicated its intent to prosecute Mr. Epstein for purported violations of 18 U.S.C. §§ 2422, 2423, and 1591. However, as set forth in detail in prior submissions, the facts of this case fall squarely <u>outside</u> the heartland of those statutes – in fact, in law, and in congressional intent. As their plain

text and history indicate, these statutes were designed to address problems that are truly national and international in scope: human trafficking in § 1591; telephone or Internet sexual predation in § 2422; and sex tourism in § 2423. Unlike the alleged conduct at issue here, those problems unquestionably present multi-jurisdictional obstacles that States and localities cannot confront effectively on their own. Mr. Epstein's conduct was purely local in nature, and the State of Florida and Palm Beach County are effectively prosecuting and punishing that conduct.

Although CEOS asserts, "that a prosecution of Mr. Epstein might not look precisely like the cases that came before it is not dispositive" (CEOS letter at p. 4), the fact is this case does not look anything like those cases. The facts here do not carry any of the hallmarks that typify an appropriate federal prosecution for child exploitation as reflected in all such prior federal prosecutions. Specifically, the facts here do not carry the hallmarks for a sex trafficking or child prostitution prosecution. Mr. Epstein did not target minors. In fact, the evidence indicates just the opposite. There was no travel in interstate commerce for the purpose of engaging in illicit sexual activity. There was no prohibited use of a facility of interstate commerce. There was no commercial for profit sexual enterprise. There was no force. There was no violence. There was no use of drugs or alcohol. There was no child pornography.

18 U.S.C. § 1591 is clearly designed to combat organized rings of individuals who engage in the business of human trafficking, involving both a commercial and coercive component. As President Bush has noted:

> generally speaking, trafficking in persons refers to actions, often including the use of force, fraud or coercion, to compel someone into a situation in which he or she will be exploited for sexual purposes, which could include prostitution or pornography, or for labor without compensation, which could include forced or bonded labor . . . trafficking in persons is often linked to organized crime, and the profits from trafficking enterprises help fund other illegal activities. The growth of vast transnational criminal networks supported in part by trafficking in persons fosters official corruption and threatens the rule of law.[2]

This in no way describes the case here. Yet the USAO has been unwavering in its single minded focus to stretch the limits of these federal statutes beyond their intended use, and beyond precedent, in order to prosecute Mr. Epstein. As the CEOS letter acknowledges, the legal theories the USAO intends to attempt to pursue against Mr. Epstein are "novel," having never before been sanctioned by federal law. They should not be sanctioned now. As the Supreme Court recently pronounced, when a statutory term in a criminal statute could support both a narrow or broad application of the federal criminal law, "the tie must go to the defendant." United States v. Santos, 553 U.S. ____ and Cuellar v. United States, 553 U.S ____ (June 2, 2008), Slip Op. at 6.

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2 February 25, 2003 Trafficking in Persons National Security Presidential Directive.

A full and fair review of the facts here is critical to this analysis. Yet, it is clear that CEOS did not conduct such a review. In his recent letter to Jay Lefkowitz, First Assistant United States Attorney ("FAUSA") Jeffrey Sloman confirmed our understanding that the USAO was to have "facilitated" an "independent *de novo* review of the investigation" by the Department. (May 19, 2008 Sloman letter at p. 5). Yet, the CEOS review was not complete, and by its own terms not *de novo*.

As CEOS itself noted, "our review of this case is limited both factually and legally. We have not looked at the entire universe of facts in this case. It is not the role of the Criminal Division to conduct a complete factual inquiry from scratch." (CEOS letter at p. 1). Indeed, entire subject areas relevant to the inquiry were not considered at all by CEOS. In essence, CEOS was only in a position to make the most cursory possible review, an "abuse of discretion" review, without considering the facts at the necessary level of detail, and without taking into account the many and varied issues of misconduct we have raised in this case. As the CEOS letter indicates, "we did not review the facts, circumstances, or terms included in the plea offer nor any allegations that individuals involved in the investigation engaged in misconduct." (CEOS letter at p. 2). All of this begs the question – if it is not CEOS' role to "conduct a complete factual inquiry," and CEOS did not consider any of the allegations of misconduct here, which at the very least have created a strong appearance of impropriety, and, at worst evidence an intent and effort to unfairly prejudice Mr. Epstein to the financial benefit of the friends and colleagues of the prosecution team in the USAO, then where and when can justice ever hope to be served in this case? This is a prosecution burden that cannot, and should not, be brushed aside.

We contend the limited nature of the CEOS review deeply affected its conclusions. For example, CEOS most likely did not review original documents, such as transcripts, and instead relied on the summaries of federal prosecutors and FBI agents, against whom we have raised serious concerns regarding misconduct. If the summary memos from the USAO are as flawed as other USAO communications have been, and which we have been able to show are misleading and inaccurate, the CEOS abuse of discretion review is likely flawed as well. Moreover, although the USAO expected, and personally promised to us, an independent review, FAUSA Sloman's letter also makes clear that our pivotal legal challenge to the use of 18 U.S.C. § 2422(b) had already "been previously raised and thoroughly considered and rejected by . . . CEOS prior to" the recent CEOS review. (May 19, 2008 Sloman letter at p. 5). The fact that CEOS had to evaluate its own decision with respect to some of the allegations against Mr. Epstein prevents its subsequent review and opinion from being truly independent.

Following this most recent CEOS review "limited both factually and legally," and with no citation to any case law relative to the statutes in question, CEOS concludes merely, "federal prosecution in this case would not be improper or inappropriate (CEOS letter at p. 5);" in essence, that the United States Attorney could bring this case in the exercise of his federal discretion should he so choose ("we conclude that U.S. Attorney Acosta could properly use his discretion to authorize prosecution in this case."). (CEOS letter at p. 2). However, CEOS drew the conclusion that the

federal prosecution of Mr. Epstein would not be "improper or inappropriate" absent any review at all of the misconduct here, and absent a full review of the facts and law. The facts, the law, and the alleged misconduct are each necessarily inextricably intertwined with the question of whether or not this is a viable federal prosecution. These imposed limits flawed the review from the outset. In any event, CEOS concedes that the defense team makes "many compelling arguments." (CEOS letter at p. 5). In the end, then, one is left with the impression that the CEOS review and opinion, although concluding that the USAO could push forward at its own discretion, is a much qualified one.

The federal prosecution of Mr. Epstein has been a moving target from the inception. Each time the allegations, the witnesses or the applicable law is subject to a searching inquiry, we have found that the allegations have been misrepresented, the law does not apply to the actual facts here, and the USAO prosecution theory falls apart. Yet, in the face of the voluminous evidence we have submitted in this regard, while acknowledging that the theories are "novel," and that our arguments against federal prosecution are "compelling," CEOS concluded, "Mr. Acosta could rightfully conclude that this federal issue is best resolved by a jury" and that "the USAO has a good faith basis to fully develop the facts on this issue and brief the law to permit a court to decide whether the law appropriately reaches such conduct." With all due respect, and recognizing that CEOS may be – and apparently was – limited in its authority, it should not be the prerogative of the prosecution arm of the United States government to simply roll the dice, and let the court system just sort it out when dealing with the life and liberty of a United States citizen. The Department of Justice should not be so cavalier when labeling someone as a child molester. While it may be within the discretion of the USAO to do so, it is not in accord with the principles of justice.

Indeed, as noted, just a few weeks ago, the Supreme Court underscored this point in Santos and Cuellar. The Court made clear that prosecutorial discretion does not provide the USAO cart blanche to expand criminal statutes as they seek to do here with complete disregard for congressional intent. The Court rejected speculation as a basis of determining the scope of a criminal statute; "probability is not a guide which a court, in construing a penal statute, can safely take." Slip op. at 7, quoting United States v. Wiltberger, 5 Wheat. 76,105 (1820). "We interpret ambiguous criminal statutes in favor of defendants, not prosecutors." Slip op. at 12.

Based on my experience, I believe that the facts here do not warrant a federal child exploitation prosecution. At its core, this case is quintessentially a state concern as opposed to implicating any federal interest. Indeed, the Florida State Attorney's Office ("SAO"), led by the chief of the Sex Crimes Division, thoroughly investigated this matter, and presented it to the grand jury. The facts, as opposed to the deeply flawed press reports, were carefully assessed by experienced State prosecutors who aggressively enforce State criminal laws. Following an extensive 15-month State investigation, Mr. Epstein was indicted by a State grand jury on a single felony count of solicitation of prostitution.

During the investigation, the State prosecutor exhaustively reviewed the evidence, met face-to-face with many of the alleged victims, considered their credibility – or lack thereof – and

considered the extent of exculpatory evidence, including a psychosexual evaluation of Mr. Epstein and a polygraph examination demonstrating that Mr. Epstein genuinely believed at the time of the alleged conduct that the State's key witness [redacted] was over the age of 18. Then, after months of negotiations, the State reached what it believed was an appropriate resolution of the case. Importantly, this resolution was consistent with that of cases involving other defendants who had engaged in similar conduct. Implementation of the State resolution of the case was held in abeyance, however, due to the unexpected commencement of the successive federal criminal investigation.

While it is true, as CEOS points out, (CEOS letter at p. 3) that many criminal prosecutions turn on issues of credibility of witnesses, to which many members of the defense team can attest (having had decades of federal criminal litigation experience among us), this does not serve to divest the prosecutor of his/her duty to make a searching inquiry of the facts before using the power of prosecution, and the weight of the United States government, to level serious accusations. CEOS likewise acknowledges as much, "the prosecutors are in the best position to assess the witnesses' credibility." (CEOS letter at p. 3).

Since the CEOS letter also singles me out as someone who should be familiar with witness issues, I feel compelled to note that, of course, I am well aware that it is not uncommon for witnesses to give conflicting statements. I am also fully aware that the credibility of key government witnesses may be strongly impacted by the $50 million incentive provided via the civil lawsuits at play, and encouraged by the government here. [3] I have also read many of the conflicts between witness testimony and Detective ReCarey's own rendition of that testimony in his reports and/or search warrant affidavit. Detective ReCarey apparently formed a view early on as to the purported criminality of Mr. Epstein's conduct regardless of the mountain of evidence to the contrary. For a prosecutor that has had an opportunity to review the full facts, and to meet with the witnesses, however, "conflicting statements" cross the line to a "lack of credibility" that simply can not sustain a prosecution. That is where an appropriate application of prosecutorial discretion must be brought to bear.

Again, CEOS was not itself in the position to exercise such discretion. By its own admission, CEOS did not make a full review of the witness statements here, and CEOS certainly did not sit down across the table and speak to these witnesses. We understand that was apparently not its perceived role. But, CEOS should recognize that at least one prosecutor in this case – the Chief of the SAO Sex Crimes Division has done so. Lana Belohlavek not only met with and interviewed these witnesses during the course of the 15-month state investigation prior to any federal involvement, but she again sat across the table from many of them in connection with recent civil

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3 It is important to note here that this investigation was launched not upon the complaint of any alleged victim, but, rather, upon the complaint of [redacted] father, [redacted], and her stepmother, [redacted]. More notable still is the fact that [redacted] has been convicted of federal bank fraud, and [redacted] has a state conviction for identify fraud. Hardly pillars of credibility. Yet, the USAO did not supply this information to the defense. Even more telling is the fact that [redacted] filed a $50million lawsuit purportedly on behalf of his daughter without her authority or knowledge.

depositions in this matter. Ms. Belohlavek, and the SAO, is likewise well familiar with the breadth of the federal investigation, and has integrated that knowledge into the current enhanced state sentencing recommendation. The SAO remains firm in the position that the proposed state resolution is a sound one, and that there was no child exploitation here. Notably, however, not once during the pendency of the federal investigation has the USAO ever reached out to its state prosecutive counterpart that initiated this investigation in the first place to discuss the issues or to thoroughly ferret out the facts or the witness credibility issues.

In the eight lines the CEOS letter accords to the topic of witness credibility CEOS asserts, "there are multiple mutually-corroborating witnesses," (CEOS letter at p. 3). However, the CEOS letter does not highlight a single one. In contrast, we have put forth numerous "mutually corroborating" witness statements. Far from supporting a federal prosecution, these statements instead corroborate that 1) the alleged victims lied to Mr. Epstein about their age; 2) there was no use of a facility of interstate commerce by Mr. Epstein; 3) there was no inducement or coercion; 4) there was no commercial enterprise; and 5) there was no illicit sexual conduct.

Indeed, Mr. Epstein took several steps to ensure that no minors entered his home, most notably, by affirmatively asking the women whether they were actually 18. See e.g. [redacted] Tr. At 38-39. That fact – which many of the potential witnesses have confirmed in sworn interviews – strongly indicates that Mr. Epstein specifically intended ***to preclude*** anyone under 18 from giving him a massage. That fact is confirmed by, among other things, [redacted] testimony that "he likes the girls that are between the ages of like 18 and 20 . . . ." [redacted] Tr. at 12. In fact, the evidence bears out that the majority of the women who came to Mr. Epstein's residence to provide a massage were over 18.

Many of the young women who were aged 16 and 17 visited Mr. Epstein's residence only once or twice, and the evidence strongly shows that they lied to Mr. Epstein about their age. Two of these individuals, [redacted] and [redacted], were 14 and 15 at the time they met Mr. Epstein. Given that each has brought a civil lawsuit against Mr. Epstein, with [redacted] and her family seeking $50 million from Mr. Epstein, their testimony against Mr. Epstein is per se suspect. But, despite their obvious incentive to harm Mr. Epstein, their testimony actually confirms his innocence. [redacted] for instance, has testified that [redacted] who introduced her to Mr. Epstein, expressly told her to lie to Mr. Epstein about her age.

Q: And [redacted] told you that if you weren't 18 Epstein wouldn't let you into his house, right?

A: That's – yes, yes.

[redacted] (deposition) at 32.

Q: You didn't want Mr. Epstein to know that you were lying about your age, right?

A: Correct.

Q: You didn't want Mr. Epstein to know that you were not 18 yet, right?

A: Correct.

[redacted] (deposition) at 36.

In fact, Ms. [redacted] told Mr. Epstein that she was 18 years old, and confirmed this fact with Palm Beach Police. Id. at 36. Beyond that, Ms. [redacted] "swore on her mother's grave" that she and Mr. Epstein did not engage in sex of any kind. [redacted] Tr. (deposition) at 24. She further repeatedly explained that prior to the time she went to Mr. Epstein's house (she went there only once), nobody ever tried to coerce her to engage in sexual activity with Mr. Epstein. Not over the telephone, not over the Internet, not at all. [redacted] Tr. (deposition) at 31-32. These are not facts upon which a federal case can stand.

Ms. [redacted] s age was also unknown to Mr. Epstein when she went to his home. [redacted], who was introduced to Mr. Epstein by Ms [redacted] testified in her federal sworn interview that Ms. [redacted] told her to lie to Epstein. See [redacted] Tr. at 8 (*"she just said make sure you're 18 because Jeffrey doesn't want any underage girls"*) (emphasis added). Ms. [redacted] testimony strongly suggests that Ms. [redacted] ied to Mr. Epstein about her own age as well. Ms. [redacted] also self represented that she worked at a local erotic massage parlor that presumably required a minimum age.

The conduct of [redacted] is likewise illustrative of "mutually corroborating" testimony which supports the fact that this is not an appropriate federal case. In the same way that Ms. [redacted] was referred to Mr. Epstein and brought to his home without having been introduced or acquainted in any manner, Ms. [redacted] was referred by someone else, [redacted], who also told her to lie to Mr. Epstein about her age, which she did. [redacted] Tr. at pp. 8-9).

CEOS seeks to buttress the USAO prosecution by asserting "it is possible to satisfy that element [proof of specific intent as to the age of the alleged victims] with proof that the defendant was deliberately ignorant of facts which would suggest that the person was a minor." (CEOS letter at p. 2). Such assertion is counter to the law and to the facts. Reliance on a deliberate ignorance standard as to any of the three statutes in issue requires the factual predicate of an intent not to learn of an incriminating fact. This is the antithesis of the factual context of this case where there is repeated proof that the minors believed that they had to lie because Mr. Epstein had an actual practice of attempting to verify age, and would not let them in his house if they were under the age of 18. See United States v. Kennard, 472 F.3d 851, 857-858 (11th Cir. 2006), quoting, United States v. Puche, 350 F.3d 1137, 1149 (11th Cir. 2003) (An instruction on deliberate ignorance is appropriate only if it is shown [among other things] . . . that the defendant purposely contrived to avoid learning

of all of the facts in order to have a defense in the event of a subsequent prosecution."). Thus, the facts preclude reliance on the concept of deliberate ignorance as a substitute for proof.

The fact that the search warrant affidavit in this case is rife with mis-statements and omissions regarding the key element of age is critical. However, CEOS concludes with no apparent supporting analysis, "despite the numerous factual errors you describe, the U.S. Attorney's Office could still plausibly argue that the mistakes – whether inadvertent or intentional – were not material to the determination . . . ." (CEOS letter at p. 3). Although, as CEOS notes, there are "numerous" such misrepresentations, through affirmative statement or intentional omission, a focus on but one of those misrepresentations highlights that such misrepresentations were, in fact, material. The fact is that Detective ReCarey grossly misrepresented Mr. Epstein's intent as it related to the age of the women he permitted entry to his residence.

In the search warrant affidavit, Detective ReCarey *affirmed* that [redacted] claimed:

[Mr. Epstein] told her the younger the better.
And, [redacted] stated she once tried to bring a 23 year old female and Epstein stated that the female was too old.

What Detective ReCarey, no doubt intentionally, omitted was [redacted] *further* explanation, which rendered Mr. Epstein's comments *innocuous*:

A: Let me put it this way, he – I tried to bring him a woman who was 23 and he didn't really like it.

Q: He didn't go for it?

A: It's not that he didn't go for it. It's just that he didn't care for it. ***And he likes the girls that are between the ages of 18 and 20.*** ([redacted] Statement at 12) (emphasis added).

Had that critical information, information that turns allegedly illegal conduct into more innocent conduct, been included, it would have seriously undermined the probable cause for the search warrant.

Similarly, and equally problematic, Detective ReCarey *did not* include the many statements demonstrating that, when asked by Mr. Epstein, the women affirmatively misrepresented their ages as being 18, and/or that Mr. Epstein was not aware of their true ages. Indeed, although Detective ReCarey did note that Ms. [redacted] told Mr. Epstein that she was 18, he omitted from the affidavit the key point as to why she lied:

> [redacted] **said tell him you're 18 because if you're not, he won't let you in his house.** So I said I was 18. As I was giving him a massage, he was like how old are you. And then I was like 18. But I kind of said it really fast because I didn't want to make it sound like I was lying or anything. [redacted] at 38-39.

Thus, consistent with the guidance provided in Franks v. Delaware, 438 U.S. 154 (1978), the search warrant affidavit in this case reveals knowing and reckless falsehoods and omitted *material* information. This is precisely the type the United States Supreme Court sought to guard against.

The age of the alleged victims, and of Mr. Epstein's intent in that regard, is an element of the crimes that must be proven in order to sustain a conviction. In particular, § 2422(b) requires that the defendant specifically intended to target a minor. See, e.g., United States v. Murrell, 368 F.3d 1286 (11th Cir. 2004) ("[T]o prove an attempt the government must first prove that [defendant], using the internet, acted with a *specific intent to persuade, induce, entice, or coerce a minor to engage in unlawful sex.*") (Emphasis added). Section 2422(b) expressly requires that the crime be committed "knowingly," and that requisite mental element applies as to each element of the crime. United States v. XCitement Video, Inc., 513 U.S. 64, 68-69 (1994); United States v. Meek, 366 F.3d 705, 718 (9th Cir. 2004); United States v. Root, 296 F.3d 1222, 1227 (11th Cir. 2002); United States v. Bailey, 228 F.3d 637, 638-639 (6th Cir. 2000). How, then, could the USAO "plausibly argue" that a misrepresentation about an element of the crime could be viewed as "not material"? If the elements of the alleged crime are not met, there is no probable cause to sustain the search warrant in the first instance. If the elements are not met, there is no federal crime. That is material.

Moreover, it is clear from the plaint text of the statute that the statutorily proscribed act pursuant to 18 U.S.C. §2422(b) is the actual use of a facility of interstate commerce to persuade, entice, induce, or coerce. "The underlying criminal conduct Congress expressly proscribed in passing §2422(b) is the persuasion, inducement, enticement, or coercion of the minor rather than the sex act itself. That is, if a person persuaded a minor to engage in sexual conduct (e.g., with himself or a third party) without then committing any sex act himself, he would nevertheless violate §2422(b)." United States v. Murrell, 368 F.3d 1283, 1286 (11th Cir. 2004). See also, United States v. Bailey, 228 F.3d 637, 639 (6th Cir. 2000) ("Congress has made a clear choice to criminalize persuasion and the attempt to persuade, not the performance of the sexual acts themselves."). Thus, if there has been sexual misconduct (which we deny) without the requisite persuasion, there is no violation of this federal law.

The investigation and testimony in this case makes clear that Mr. Epstein did not use any facility of interstate commerce to commit any act forbidden by 18 U.S.C. § 2422(b)—to persuade, induce, entice, coerce—nor did he direct any of his assistants to do so. Indeed, by way of example, [redacted] was clear on this point at her deposition during which she repeatedly testified that nobody—not Mr. Epstein or any of his assistants—ever used the Internet or phone in any way to try to persuade her to engage in sexual activity with Mr. Epstein. [redacted] (deposition) at 31-32. Nonetheless, even assuming, *arguendo,* that persuasion to engage in sexual conduct occurred over

the telephone (which we deny), it is black letter law that the *mens rea* must coincide with the *actus reus*. Thus, the government must prove that Mr. Epstein has the specific intent to target a known minor to engage in prohibited sexual activity *at the time of the call*. We have seen zero evidence of this. To the extent Mr. Epstein *later* may have persuaded a particular individual to engage in unlawful sexual activity *during a massage*, such persuasion occurred face to face, and can not work retroactively to render the earlier phone call an offense under the statute.

As to the purported violation of 18 U.S.C. § 2423 for allegedly traveling in interstate commerce for the purpose of engaging in illicit sexual activity, CEOS does not deny that Mr. Epstein was returning to one of his residences when he traveled to Florida.[4] CEOS explicitly stated it "fully understand[s] our argument" (CEOS letter at p.2) that Mr. Epstein should not be charged under § 2423(b) because the dominant purpose for his traveling to Palm Beach was not to engage in illegal sexual activity, but to simply return to one of his residences. Rather, this is apparently another "compelling" point of law which may be left to "a court to decide whether the law properly reaches such conduct." (CEOS letter at p. 2).[5] Notably, implicit in this concession by CEOS is that the law has never before been so applied, that is, there is no precedent for a court to extend the statute as the USAO seeks to do here. In fact, the United States Supreme Court prohibited the criminalization of travel under identical circumstances over a half century ago. See, Mortenson v. United States, 322 U.S. 369, 374 (1944) (intention to engage in proscribed conduct must "exist before the conclusion of the interstate journey and must be the *dominate motive* of such interstate movement." (Emphasis added.)

Beyond an absence of proof regarding the travel element in connection with 18 U.S.C. §2423, the requisite age requirement for a violation of that statute is important. 18 U.S.C. §2423, by reference to Chapter 109A (18 U.S.C. §2423(f)(1)), specifically defines a minor for purposes of that statute as an individual who has not attained the age of 16. If an alleged victim is 16 years of age or older, a violation of this statute pursuant to 2423(f)(1) can only occur if it can be proven that force, threat or drugs were involved. See, 18 U.S.C. §§ 2241 *et seq.* There are no such allegations here. As a result, in order to find a violation under 18 U.S.C. § 2423, the United States would have to prove that Mr. Epstein engaged in one of the sexual acts defined at 18 U.S.C. § 2246(2) with an individual under the age of 16, and that he formed the intent and dominant purpose to do so prior to the time he made a return trip to Florida. Again, there is no such evidence here. [redacted] has specifically testified that 1) she never engaged in sexual activity with Mr. Epstein; 2) she never even met or talked to Mr. Epstein prior to her arrival at his house; and 3) she lied about her age not only to Mr. Epstein, but, in fact, to the world on her MySpace page when she said that she was 18 years old. It is, then, also worth noting in this regard that 18 U.S.C. §§2243(c) provides an affirmative defense if proven by a preponderance of the evidence if Mr. Epstein reasonably believed that [redacted] was

4 In addition to his residence there, Mr. Epstein also has several businesses, and personal matters and contacts to which he attends in Florida. For example, beginning in 2002, Mr. Epstein visited his mother nearly every weekend in Palm Beach until she passed away in April, 2004.

5 As previously set forth herein, and as more fully explained in other submissions related to this case, the recent Supreme Court decisions in Santos and Cuellar make this attempted stretch of the law improper.

had attained the requisite legal age. Finally, although 18 U.S.C. §2423(f)(2) also defines "illicit sexual conduct" as any commercial sex act with a person under the age of 18, 18 U.S.C. §2423(g) also provides a specific affirmative defense as to that age element if proven by a preponderance of the evidence that Mr. Epstein reasonably believed that the young women had attained the requisite legal age. As we have demonstrated, time and again the women involved lied to Mr. Epstein as to their true age, representing that they were, in fact, over the age of 18. Many of them also represented that they worked at local massage parlors, which presumably would have imposed a legal age requirement.

Lastly, in contrast to 18 U.S.C. §1591, Mr. Epstein's conduct did not involve trafficking of women or children in the sex industry, and was not part of any phenomenon that, in the aggregate, had an economic impact on interstate or foreign commerce. Additionally, Mr. Epstein did not benefit financially from the alleged conduct. Therefore, as the SAO determined, and still believes, Mr. Epstein was a customer, a "John" for whom prosecutions are best left to the State to address. Indeed, there is no reported precedent extending federal law to a local "John" who does not violate the child exploitation statutes. Indeed, CEOS does not point to a single case where federal prosecutors have used § 1591 in a case involving facts like these. Instead, every § 1591 prosecution has involved national or international sex trafficking and/or for-profit prostitution rings, involving the *knowing* use of minors and/or forcible coercion, or forcible rape, physical abuse or intimidation. These are the elements required by the statute, and they are not met here.

Although CEOS could, perhaps, point to United States v. Evans, 476 F.3d 1176 (11th Cir. 2007) as a case that, standing alone, involved wholly intrastate conduct, the facts of that case are far different in key respects than this one. The Evans case involved both the commercial and coercive components that Congress, and administration policy statements intended in 18 U.S.C. § 1591 prosecutions. Evans, and his co-conspirators (Madison and Yearby) were not "Johns." **They operated a for profit prostitution ring marked by control of, and extreme violence toward, the victims, who they knew were underage.** Indeed, Evans forced one such victim, age 14 years old, to continue to work even after she had been hospitalized with AIDS. As part of their business, Evans and his co-conspirators provided the victims with cell phones, hotels, and condoms, and the victims were forced to give all of their money from this prostitution ring to Evans and his co-conspirators. None of this type of activity comes close to the facts regarding Mr. Epstein. Finally, but significantly, the prostitution ring in Evans was not, in fact, entirely intrastate as the companion case of one of the Evans co-defendants makes clear. See, United States v. Madison, 477 F.3d 1312, 1313-1314 (11th Cir. 2007) (Jane Doe #2 stated that she traveled to Atlanta, Georgia with Madison to work as a prostitute).

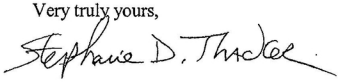
Thus, courts, including the Eleventh Circuit in Evans, have underscored the point that § 1591 simply is not intended to cover the kind of alleged conduct at issue here. "Section 1591 does not criminalize all acts of prostitution (a vice traditionally governed by state regulation). Rather, its reach is limited to sex trafficking that involves children or is accomplished by force, fraud, or coercion." United States v. Evans, 476 F.3d at 1179 n. 1; See also United States v. Sims, 171 Fed.

Appx. 849, 2006 WL 14581 at *3 (11th Cir. 2006) (to establish Sims's guilt on the sex trafficking of a minor count, the government had to show that Sims *benefited financially* from Owen's sexual activity and that Sims *knew* that (a) force or coercion would be used to cause Owens to engage in a criminal sex act or (b) that Owens was under the age of 18.) (emphasis added). Again, none of these factors is present in this case. The Eleventh Circuit's interpretation of the statute makes perfect sense: were § 1591 not limited in this fashion, it would threaten to criminalize a host of localized behavior that has nothing to do with human trafficking, and, thus, is of no valid federal interest.

In sum, to accord discretion to the USAO, albeit without benefit of the requested full *de novo* review, to exercise authority to pursue a prosecution which involves a "novel" application of three federal statutes in the face of numerous "compelling arguments" is not warranted, as it is not supported by the facts, the law, or justice. Echoing the admonition of the Supreme Court in the Berger decision, the Comment to Rule 3.8 of the Rules of Professional Conduct (Special Responsibilities of a Prosecutor), says it best "A prosecutor has the responsibility of a minister of justice and not simply that of an advocate. This responsibility carries with it specific obligations to see that a defendant is accorded procedural justice and that guilt is decided upon the basis of sufficient evidence." This is a responsibility that can not be taken for granted. The government bears the burden of assuring that it possesses sufficient evidence to prove each element of a crime with respect to some specific victim before publicly branding Mr. Epstein a child molester. In this case, however, the USAO has not met its burden for any victim for any of the crimes alleged. It is not enough to simply gloss over the required proof, and rely on the jury or the court to just sort it all out in the end. The stakes are too high. As a result, the USAO should not be permitted to pursue an unfounded federal criminal case against Mr. Epstein under the guise of prosecutorial discretion.

Such prosecution in this case necessarily would appear to be selective to Mr. Epstein. To be clear, our request that Mr. Epstein should not be prosecuted federally would not permit him to go completely unpunished, but, rather, would simply place him in the same prosecution position as others similarly situated. Therefore, we continue to believe that after a complete, *de novo*, and independent review, the only appropriate conclusion will be that this case is best left to the state to resolve.

Very truly yours,



STEPHANIE D. THACKER

SDT/kdt
Enclosures

TAB 1

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United States Attorney
Southern District of Florida

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DELIVERY BY FACSIMILE

May 19, 2008

Jay P. Lefkowitz, Esq.
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Re: Jeffrey Epstein

Dear Mr. Lefkowitz,

I am in receipt of your e-mail dated May 19, 2008 to the United States Attorney. The U.S. Attorney would like me to advise you that all communications and inquiries related to the Epstein matter, will be handled by AUSA Marie Villafana and/or her supervisor, Karen Atkinson, so he does not intend to respond to your e-mail or calls unless AUSA Villafana and/or her supervisors advise him otherwise. Furthermore, you make reference to "*our July 8 deadline*." Respectfully, the United States Attorney's Office for the Southern District of Florida ("SDFL") has never agreed to any such deadline. Should you decide to provide the SDFL with any additional information, please do so through AUSA Villafana, and, in her absence, AUSA Atkinson.

On September 24, 2007, your client, Jeffrey Epstein, in consultation with Gerald Lefcourt, Esq. and Lilly Ann Sanchez, Esq., as well as numerous other nationally-renowned lawyers, including but not limited to Harvard Law Professor Alan Dershowitz, former Independent Counsel and Solicitor General of the United States Kenneth Starr, just to name a few, entered into a global resolution of state and federal liabilities faced by your client ("the Agreement") with the SDFL. Although you and other members of the defense team have since claimed that the Agreement was the product of adhesion, the following facts demonstrate that Epstein knowingly and voluntarily entered into the Agreement in order to avoid a federal indictment regarding his sexual conduct involving minor victims. Despite the fact that by signing the Agreement, Epstein gave up the right to object to its provisions, the SDFL bent over backwards to exhaustively consider and re-consider your objections. Since these objections have finally been exhausted and Epstein has previously expressed his intent to not comply with several of the terms and conditions of the Agreement as set forth below, the SDFL hereby notifies you that unless he complies with all of the terms and conditions of the Agreement, as modified by the United States Attorney's December 19, 2007 letter to Ms. Sanchez by close of business on Monday, June 2, 2008, the SDFL will elect to terminate the Agreement.

Background

The Agreement was the product of months of negotiations. Specifically, you requested and received numerous meetings, at the highest levels of the SDFL and DOJ's Child Exploitation and Obscenity Section (CEOS) concerning claims that (a) the investigation merely produced evidence of relatively innocuous sexual conduct with some minors who, unbeknownst to Epstein, misrepresented their ages; (b) the authorities investigating Epstein engaged in misconduct; (c) the contemplated federal statutes have no applicability to this matter; and (d) the federal authorities disregarded the fundamental policy against federal intervention with state criminal proceedings. *After careful review, the SDFL ultimately rejected those claims. Subsequent to its decision, however,* but before proceeding any further, the SDFL provided you with 30 days to appeal the decision to the Assistant Attorney General of the United States, Alice Fisher. As you recall, you chose to forego an appeal to AAG Fisher, and instead pursued a negotiated resolution which, ultimately, resulted in the execution of the Agreement.

The Negotiation Phase

During negotiations, you tried to avoid a resolution that called for incarceration and registration as a sexual offender – both of which would be triggered by a successful federal prosecution. The SDFL believed and continues to believe that should this matter proceed to trial, your client would be convicted of the federal statutes identified in the Agreement. In order to achieve a global resolution, the SDFL indicated a willingness to defer to the State the length of incarceration; however, it remained adamant that Epstein register as a sex offender and that all victims identified during the investigation remain eligible for compensation. In order to achieve this result, the parties considered two alternatives, a plea to federal charges that limited Epstein's sentencing exposure, or, as suggested by you, a plea to state charges encompassing Epstein's conduct. Ultimately, the parties agreed to, *inter alia,* a plea to the state charges outlined in the Agreement, registration and a method of compensation.

The Agreement

The crux of the Agreement defers in favor of the State federal prosecution of Epstein for his sexual conduct involving those minor victims identified as of September 24, 2007, in exchange for a guilty plea to a state offense that requires registration as a sex offender; a sufficient term of imprisonment; and a method of compensation for the victims such that they would be placed in the same position as if Epstein had been convicted of one of the enumerated offenses set forth in Title 18, United States Code, Section 2255. Specifically, the Agreement mandates, *inter alia,* (1) a guilty plea in Palm Beach County Circuit Court to solicitation of prostitution (Fl. Stat. Section 796.07) and procurement of minors to engage in prostitution (Fl. Stat. Section 796.03) (an offense that requires him to register as a sex offender); (2) a 30-month sentence including 18 months' incarceration in county jail; (3) a methodology to compensate the victims identified by the United States; (4) entry

of the guilty plea and sentence no later than October 26, 2007; and (5) the start of the above-mentioned sentence no later than January 4, 2008.

Furthermore, and significantly, Epstein agreed that he had the burden of ensuring compliance of the Agreement with the Palm Beach County State Attorney's Office and the Judge of the 15th Judicial Circuit and *"that the failure to do so will be a breach of the agreement"* (emphasis added).

Post-Execution of the Agreement

Within weeks of the execution of the Agreement, you sought to delay the entry of Epstein's guilty plea and sentence. After the SDFL agreed to accommodate your request, counsel for Epstein began taking issue with the methodology of compensation, notification to the victims, and the issues that had been previously considered and rejected during negotiations, *i.e.*, that the conduct does not require registration and the contemplated state and federal statutes have no applicability to the instant matter.

A. Delay.

The Agreement required that "Epstein shall use his best efforts *to enter his guilty plea and be sentenced not later than October 26, 2007.* The United States has no objection to Epstein self-reporting to begin serving his sentence not later than January 4, 2008." Agreement, pages 4-5, paragraph 11 (emphasis added). After the Agreement was executed, the SDFL accommodated your request to extend the October 26th plea deadline to November 20th based upon, what seemed to be, reasonable scheduling conflict issues.[1] By early November, you represented that the presiding state court judge would not "stagger the plea and sentencing as contemplated in the Agreement."Although the Agreement clearly did not contemplate a staggered "plea and sentencing," the SDFL again agreed to accommodate Epstein's request to appear in state court for plea and sentencing on January 4, 2008.[2]

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[1] "Accordingly, I have now confirmed with Mr. Epstein's Florida counsel that the state's attorney's office and the court will be available to have him enter his plea on November 20. So we will plan to proceed on one that date." October 18, 2007 email from Jay Lefkowitz to USA R. Alexander Acosta.

On the same day, Mr. Lefkowitz confirmed with First Assistant Jeffrey H. Sloman that this postponement " will not affect when Epstein begins serving his sentence."

[2] Correspondence from Jay Lefkowitz to FAUSA Sloman dated November 8, 2007 ("the judge has invited the parties to appear for the plea and sentencing on January 4th, we do not anticipate any delay beyond that date.")

B. Method of Compensation and Notification.

During this same time period, you and others, including the former Solicitor General of the United States Kenneth Starr, took issue with the *implementation* of the methodology of compensation (hereinafter "the 2255 provision")[3] and the SDFL's intention to notify the victims *under 18 U.S.C. Section 3771 (you objected to victims being notified of time and place of Epstein's* state court sentencing hearing). In response, the SDFL offered, in my opinion, numerous and various reasonable modifications and accommodations which ultimately resulted in United States Attorney R. Alexander Acosta's December 19, 2007 letter to Lilly Ann Sanchez. In that letter, the United States Attorney tried to eliminate *all* concerns which, quite frankly, the SDFL was not obligated to address, let alone consider. He proposed the following language regarding the 2255 provision:

> "Any person, who while a minor, was a victim of a violation of an offense enumerated in Title 18, United States Code, Section 2255, will have the same rights to proceed under Section 2255 as she would have had, if Mr. Epstein been tried federally and convicted of an enumerated offense. For purposes of implementing this paragraph, the United States shall provide Mr. Epstein's attorneys with a list of individuals whom it was prepared to name in an Indictment as victims of an enumerated offense by Mr. Epstein. Any judicial authority interpreting this provision, including any authority determining which evidentiary burdens if any a plaintiff must meet, shall consider that it is the intent of the parties to place these identified victims in the same position as they would have been had Mr. Epstein been convicted at trial. No more; no less."

Regarding the issue of notice to the victims, USA Acosta proposed to notify them of the federal resolution as required by law; however, "[w]e will defer to the discretion of the State Attorney regarding whether he wishes to provide victims with notice of the state proceedings, although we will provide him with the information necessary to do so if he wishes." As you know, you rejected these proposals as well. *See* December 26, 2007 correspondence from Jay Lefkowitz to USA Acosta.

---

[3] Prior to any issues arising concerning the implementation of the 2255 provision, the SDFL unilaterally agreed to assign its responsibility to select the attorney representative for the alleged victims to an independent third-party. This was done to avoid even the appearance of favoritism in the selection of the attorney representative. As a result, on October 29, 2007, the parties executed an Addendum wherein it was mutually agreed that former United States District Court Judge Edward B. Davis would serve as the independent third-party. Judge Davis selected the venerable law firm of Podhurst and Josefsberg to represent the approximately 34 alleged identified victims.

C. "Mr. Epstein Does Not Believe He Is Guilty Of The Federal Charges Enumerated Under Section 2255."

At our December 14, 2007 meeting at the U.S. Attorney's Office in Miami, counsel for Epstein announced, *inter alia*, that it was a "profound injustice" to require Epstein to register as a sex offender and reiterated that no federal crime, especially 18 U.S.C. Section 2422(b), had been committed since the statute is only violated if a telephone or means of interstate commerce is used to do the persuading or inducing. This particular attack on this statute had been previously raised and thoroughly considered and rejected by the SDFL and CEOS prior to the execution of the Agreement. You also argued that the facts were inapplicable to the contemplated state statutes and that Epstein should not have been allowed to have been induced into the Agreement because the facts were not what he understood them to be. It should be noted that the SDFL has never provided you with any evidence supporting its investigation. This is not, and has never been, an *Alford* plea situation (*see North Carolina v. Alford*, 400 U.S. 25, 91 S.Ct. 160 (1970)). Ultimately, you requested an independent review.

Subsequent to the above-mentioned meeting, the SDFL received three letters from you and/or Mr. Starr which expanded on some of the themes announced in the December 14th meeting. Essentially, you portrayed the SDFL as trying to coerce a plea to unknown allegations and incoherent theories. On December 17, 2007, you decreed that Epstein's conduct did not meet the requirements of solicitation of minors to engage in prostitution (Fl. Stat. Section 796.03) one of the enumerated crimes Epstein had previously agreed to plead guilty to; that Epstein's conduct does not require registration under Florida law; and the State Attorney's Office does not believe the conduct is registrable. On December 21, 2007, you rejected the USA's proposed resolution of the 2255 provision because you "strongly believe that the provable conduct of Mr. Epstein with respect to these individuals fails to satisfy the requisite elements of either 18 U.S.C. Section[s] 2422(b) ... or ... 2423(b)." In your December 26, 2007 correspondence you stated that "we have reiterated in previous submissions that Mr. Epstein does not believe he is guilty of the federal charges enumerated under section 2255" and requiring "Mr. Epstein to in essence admit guilt, though he believes he did not commit the requisite offense."

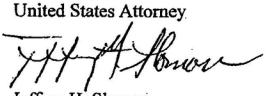
As the SDFL has reiterated time and time again, it does not want, nor does it expect, Epstein to plead guilty to a charge he does not believe he committed. As a result, we obliged your request for an independent *de novo* review of the investigation and facilitated such a review at the highest levels of the Department of Justice. It is our understanding that that independent review is now complete and a determination has been made that there are no impediments to a federal prosecution by the SDFL.

Conclusion

On February 25, 2008, I sent you an e-mail setting forth a timetable for moving forward in the event that CEOS disagreed with your position. That time is now. As you know, my February 25th email stated that I would give you one week to comply with the terms and conditions of the Agreement, as modified by the USA's December 19th letter to Ms. Sanchez. In light of the upcoming Memorial Day weekend, I have decided to extend that timetable to the close of business on Monday, June 2, 2008, which is a full two weeks.

Sincerely,

R. Alexander Acosta
United States Attorney

By: 
Jeffrey H. Sloman
First Assistant United States Attorney

cc: R. Alexander Acosta
United States Attorney

A. Marie Villafana
Assistant U.S. Attorney

Karen Atkinson
Assistant U.S. Attorney

TAB 2

U.S. Department of Justice

United States Attorney
Southern District of Florida

UNITED STATES ATTORNEY'S OFFICE
SOUTHERN DISTRICT OF FLORIDA
99 NE 4TH STREET
MIAMI, FLORIDA 33132-2111

Jeffrey H. Sloman
First Assistant U.S. Attorney
305 961 9299

Cyndee Campos
Staff Assistant
305 961 9461
305 530-6444 fax

FACSIMILE TRANSMISSION
COVER SHEET

DATE: November 5, 2007

TO: Jay Lefkowitz, Esquire

FAX NUMBER: (212) 446 4900

SUBJECT: Jeffrey Epstein

NUMBER OF PAGES, INCLUDING THIS PAGE: 3

Message/Comments:

This facsimile contains PRIVILEGED AND CONFIDENTIAL INFORMATION intended only for the use of the Addressee(s) named above. If you are not the intended recipient of this facsimile, or the employee or agent responsible for delivering it to the intended recipient, you are hereby notified that any dissemination or coping of this facsimile is strictly prohibited. If you have received this facsimile in error, please immediately notify us by telephone and return the original facsimile to us at the above address via the U.S. Postal Service. Thank you.

U.S. Department of Justice

United States Attorney
Southern District of Florida

99 N.E. 4th Street
Miami, FL 33132-2111
(305) 961-9299
Facsimile: (305) 530-6444

November 5, 2007

DELIVERY BY FACSIMILE
Jay P. Lefkowitz, Esq.
Kirkland & Ellis LLP
Citigroup Center
153 East 53rd Street
New York, New York 10022-4675

Re: Jeffrey Epstein

Dear Jay:

Several things have come to my attention that seem contrary to your client intending to abide by his obligations under the Non-Prosecution Agreement. As you know, that agreement requires our Office to inform you of potential breaches to give you and your client the opportunity to respond before an indictment is filed. At this time, I do not believe that the agreement has been breached; however, I have sufficient concerns that need to be addressed.

First, I understand that private investigators working for Mr. Epstein have contacted victims to ask them whether any detectives or FBI agents have discussed a financial settlement with them. On one occasion, the private investigators told the parent of a victim that she should get an attorney for her daughter and she should do so right away. These actions are troublesome because the FBI agents legally are required to advise the victims of the resolution of the matter, which includes informing them that, as part of the resolution, that Mr. Epstein has agreed to pay damages in some circumstances. Furthermore, Mr. Epstein well knows that we are in the process of selecting an attorney to represent the victims and, but for the inordinate amount of time spent negotiating the Addendum, that attorney would already have been selected. Paragraph 7 of the Non-Prosecution Agreement explicitly provides that contact with the victims shall be through that counsel. Accordingly, please confirm that there will be no further efforts to contact any victims until Judge Davis selects the attorney representative and that, thereafter, contact will be made only through that counsel.

Second, the Non-Prosecution Agreement requires Mr. Epstein to use his best efforts to enter his guilty plea and to be sentenced not later than October 26, 2007. Despite this obligation, the Office agreed that Mr. Epstein could postpone this deadline to November, but reiterated that Mr.

Epstein had to begin his term of incarceration not later than January 4, 2008. I have learned that the November hearing has been removed from the calendar and the next case disposition conference has not been set until January 7, 2008. This delay is unacceptable, and, pursuant to your obligations, the Office requests that you confer with the State Attorney's Office to try to find a date in November when the judge is available to conduct a simultaneous plea and sentencing. If you cannot find such a date, please provide documentation of your efforts to abide by the terms of the Non-Prosecution Agreement.

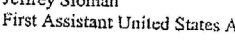
Third, there have been several press reports that Mr. Epstein no longer intends to enter a guilty plea. Normally I would not pay any attention to such reports, but your recent correspondence attempting to restrict our Office from communicating with the State Attorney's Office and the allusion to the imposition of sentences that clearly fall outside the terms of the Non-Prosecution Agreement raises concern. Please confirm that Mr. Epstein intends to abide by his agreement to plead guilty to the specified charges and to make a binding recommendation that the Court impose a sentence of 18 months of continuous confinement in the county jail.

Finally, the Non-Prosecution Agreement requires that you provide the Office with copies of all proposed agreements with the State Attorney's Office before Mr. Epstein signs any such agreements. To date, no such agreements have been received. Please provide me with copies of any and all agreements with the State Attorney's Office for our review. The Office also would like to have someone present at the change of plea and sentencing to monitor Mr. Epstein's compliance with the terms of the Non-Prosecution Agreement, so please keep me informed of the date, time, and location of the hearing.

Please provide me with a written response, adopted by Mr. Epstein, addressing these concerns and reiterating Mr. Epstein's intention to comply with the terms of the Non-Prosecution Agreement by November 8, 2007.

Sincerely,

R. Alexander Acosta
United States Attorney

By: 
Jeffrey Sloman
First Assistant United States Attorney

cc: R. Alexander Acosta, U.S. Attorney
AUSA A. Marie Villafaña

TAB 3

TOLL RECORDS OF SARAH KELLEN'S CALLS

- MR. EPSTEIN DID NOT KNOW WHO WOULD BE COMING TO GIVE HIM A MASSAGE.

Wednesday, April 27, 2005	9:02AM	(561) 635-3454	[redacted]
Wednesday, April 27, 2005	9:03AM	(561) 801-3590	
Wednesday, April 27, 2005	12:14PM	(561) 714-0546	
Wednesday, April 27, 2005	12:15PM	(561) 714-0546	
Wednesday, April 27, 2005	3:16PM	(561) 309-0079	
Wednesday, April 27, 2005	3:20PM	(561) 309-0079	
Thursday, May 05, 2005	3:28PM	(561) 644-3713	
Thursday, May 05, 2005	8:43PM	(561) 644-3713	
Thursday, May 05, 2005	8:48PM	(561) 644-3713	
Thursday, May 05, 2005	9:13PM	(561) 644-3713	
Thursday, May 05, 2005	10:03PM	(561) 644-3713	
Friday, May 06, 2005	8:30AM	(561) 389-6874	
Friday, May 06, 2005	8:59AM	(561) 644-3713	
Friday, May 06, 2005	9:33AM	(561) 714-0546	
Friday, May 06, 2005	9:34AM	(561) 389-6874	
Friday, May 06, 2005	9:35AM	(561) 309-0079	
Friday, May 06, 2005	10:58AM	(561) 644-3713	
Friday, May 06, 2005	5:35PM	(561) 644-3713	
Friday, May 06, 2005	7:50PM	(561) 644-3713	
Saturday, May 07, 2005	11:03AM	(561) 644-3713	
Saturday, May 07, 2005	11:04AM	(561) 389-6874	
Sunday, May 08, 2005	11:39AM	(561) 262-6186	
Sunday, May 08, 2005	12:28PM	(561) 684-6642	
Sunday, May 08, 2005	3:20PM	(561) 262-6186	
Sunday, May 08, 2005	3:21PM	(561) 262-6186	

[1] Mr. Rofrano is Mr. Epstein's chiropractor.

- MR. EPSTEIN DID NOT TARGET ANY ONE PARTICULAR INDIVIDUAL, NOR DID HE TARGET MINORS. ALL OF THE CALLS BELOW WERE MADE TO WOMEN OVER THE AGE OF 18.

Saturday, July 02, 2005	9:50AM	(561) 389-6874	[redacted]	[redacted]	cell
Saturday, July 02, 2005	11:33AM	(561) 635-3454	[redacted]	[redacted]	cell
Saturday, July 02, 2005	11:54AM	(561) 856-2974	[redacted]	[redacted]	cell
Saturday, July 02, 2005	12:03PM	(561) 635-3454	[redacted]	[redacted]	cell
Saturday, July 02, 2005	1:49PM	(561) 324-7996	[redacted]	[redacted]	cell
Saturday, July 02, 2005	3:21PM	(561) 324-7996	[redacted]	[redacted]	cell
Saturday, July 02, 2005	3:22PM	(561) 635-3454	[redacted]	[redacted]	cell
Saturday, July 02, 2005	3:58PM	(561) 324-7996	[redacted]	[redacted]	cell
Saturday, July 02, 2005	4:10PM	(561) 262-6186	[redacted]	[redacted]	cell
Saturday, July 02, 2005	4:11PM	(561) 635-3454	[redacted]	[redacted]	cell
Saturday, July 02, 2005	6:20PM	(561) 302-1844	[redacted]	[redacted]	cell
Saturday, July 02, 2005	9:25PM	(561) 389-6874	[redacted]	[redacted]	cell
Sunday, July 03, 2005	1:14PM	(561) 324-7996	[redacted]	[redacted]	cell
Sunday, July 03, 2005	1:44PM	(561) 574-0142	[redacted]	[redacted]	cell
Sunday, July 03, 2005	9:57PM	(561) 262-6186	[redacted]	[redacted]	cell
Sunday, September 18, 2005	9:58AM	(561) 714-0546	[redacted]	[redacted]	cell
Sunday, September 18, 2005	9:59AM	(561) 324-7996	[redacted]	[redacted]	cell
Sunday, September 18, 2005	9:59AM	(561) 635-3454	[redacted]	[redacted]	cell
Sunday, September 18, 2005	10:02AM	(561) 801-3590	[redacted]	[redacted]	cell
Sunday, September 18, 2005	10:04AM	(561) 662-3098	[redacted]	[redacted]	cell
Sunday, September 18, 2005	10:44AM	(561) 302-1844	[redacted]	[redacted]	cell
Sunday, September 18, 2005	1:10PM	(561) 389-6874	[redacted]	[redacted]	cell
Sunday, September 18, 2005	4:10PM	(561) 389-6874	[redacted]	[redacted]	cell
Sunday, September 18, 2005	5:17PM	(561) 324-7996	[redacted]	[redacted]	cell
Sunday, September 18, 2005	9:36PM	(561) 714-0546	[redacted]	[redacted]	cell
Sunday, September 18, 2005	9:45PM	(561) 714-0546	[redacted]	[redacted]	cell

TAB 4

1 MP: Detective Michele Pagan

2 [redacted]

3 KB: Kathy Back

4

5 MP: I.D. #8059, reference case number 05-368. The time now, by my watch, is

6 approximately 6 minutes past 2pm on 3/15/05. (Inaudible) High Ridge Family

7 Center, Sable Palm School.

8 UNK: Just High Ridge Family Center.

9 MP: Okay, the High Ridge Family Center. Present also is...could you state your name

10 please?

11 [redacted]

12 MP: Spell your name please?

13 [redacted]

14 MP: And your date of birth?

15 [redacted]

16 MP: And you are?

17 CB: Cathy Back, Family Therapist.

18 MP: Could you spell your name please?

19 KB: K-A-T-H-Y B-A-C-K.

20 MP: And you're her family therapist? Am I correct?

21 KB: Yes.

22 MP: Okay. I'm here today [redacted] and I have stated briefly why I'm here is in

23 reference to an incident that happened to a friend of yours, or a girl you know.

I'm not sure if she's friend of yours or not, by the name of [redacted]. Do you know what I'm talking about?

[redacted] Yes.

MP: Okay. I hear your voice got very low all of a sudden so if you don't mind..

[redacted] Oh, okay.

MP: I'll even hold it. Okay. Can you tell me how you know [redacted]?

[redacted] She's my ex-boyfriend's cousin.

MP: And what's your ex-boyfriend's name?

[redacted] Zack [redacted].

MP: Is that his last name? [redacted]?

[redacted] Yes.

MP: What school does he go to?

[redacted] (inaudible) Summit Christian School.

MP: And you said he's your ex-boyfriend. How long ago was that?

[redacted] I don't know. Like two months, two months and a half ago.

MP: How long did you go out with him?

[redacted] Three weeks...?

MP: Not long? And [redacted]? You met her through Zack?

[redacted] Yeah, I met her when I went to dinner at his grandmother's house.

MP: Okay. And do you know [redacted]'s last name?

[redacted] No. I don't.

MP: Do you know where she lives?

[redacted] Yes. She lives on [redacted] streets away from me.

1 MP: Okay.

2 [redacted] (inaudible)

3 MP: Okay. And tell me now what happened with [redacted]

4 [redacted] Okay, well, the third time of hanging out with [redacted], cause I was a cousin, well,

5 [redacted] And we were over there watching a movie and this guy called or actually it

6 was a woman but it was for a guy. And she's talking to [redacted] and then she said

7 that, well I don't know exactly what the woman said but she said do you have

8 anybody left with you and [redacted] said yes and then she said are you bringing

9 them to the guy's house? In [redacted] or wherever he lives. And she said I don't

10 know. I'll call you back. And then she told Zack that I was gonna come with her

11 to this guy's house so that, so that, she was gonna get paid, like I don't know

12 how much money but this man's been paying money. And that she was gonna

13 bring me along and then Zack was like no, you're not taking her and then she's

14 like well, I'll ask her and then she just told me, she didn't tell me what's she's

15 gonna do, she told me she's going to some old guy's house and (inaudible) get

16 my shoes and go shopping. So I was like, okay. And then we went, I don't know

17 what day it was cause she picked me up. I'm pretty sure it was a Saturday or a

18 Sunday. So she picked me up and we get in the car and she (inaudible) and

19 then we left and we were still driving and then we went to his house and we were

20 waiting in the kitchen and the old man came and he's like, hello, I'm...I don't

21 even know, I think it's Jeff. I'm Jeff and then we, I'm like I'm [redacted] And then

22 she um went upstairs and I guess gave him money and we went back downstairs

23 we weren't there, we were only there for like 30 minutes and then we left and

then she went to go to Marshall's to go get some, a skirt and a purse but she didn't get the skirt. She only ended up getting the purse and that was like a black purse.

MP: That's all that happened?

[redacted] Um hm.

MP: Well, I'm hearing a lot more happened.

[redacted] Like what, I know, like what went around the school?

MP: Like what went around the school. Tell me what happened at school.

[redacted] In school, everybody was saying that I got paid $300 with the, for the old man. That old guy. Cause he's....oh, first of all, is that I got fingered by the old man, then it was I had sex with the old man and then it was I'm just a prostitute and I got paid $300.

MP: Who was spreading these rumors around?

[redacted]: Um, my, this girl, she used to be my friend [redacted] but I guess....

MP: Where would she get ....

[redacted] From Zack because I broke up with him. Well, that's what I think. I think when I broke up with him, he got very mad and told the girl cause this girl, she hated me because I went out him and she likes him.

MP: Which girl was this?

[redacted]: [redacted].

MP: [redacted]? Liked Zack?

[redacted]: Yeah.

MP: ...went out with him so she started spreading these rumors?

1 [redacted] Cause I went out to the fair and she was supposed to go with him but, I guess,
2 he didn't like her and then we started talking and she got mad because I was
3 talking to him.
4 MP: What does...can you tell me more about [redacted]?
5 [redacted] I don't really know that much. All I know is that she, the only thing I know about
6 her is that her boyfriend, but then they broke up, like, she met him at a party.
7 That's the only thing I know and that she has brown hair and like, I don't really
8 know about her. I went to her house (inaudible)
9 MP: Are you telling me?...and I want you to know something, okay?
10 [redacted] Um hm.
11 MP: Regardless of what has happened, okay? I'm being very honest. You're not in
12 trouble for anything.
13 [redacted] I know.
14 MP: Whether you did something with this man or not.
15 [redacted] Hmm....
16 MP: Whether you did something with this man. What I'm trying to do is find out if this
17 type of thing is going on and you're not the only one and I don't think you are the
18 only one.
19 [redacted] I don't think so either cause the other kid Anthony (inaudible) he knows [redacted] too
20 and I, cause he's telling me, he's like where do you know [redacted] and then I was
21 like she's my boyfriend's cousin. Oh that girl's bad and I'm like okay, too bad.
22 MP: Did you do anything with this man?
23 [redacted] No, we went upstairs and just got money and I don't know...

1 [redacted] And there's like little circle chairs, that you can sit on.

2 MP: Stools.

3 [redacted] Stools. And we were just sitting there waiting cause he wasn't there yet. Then

4 he came inside after we were standing there about 5 minutes. Cause like, there

5 was a gate and a bodyguard guy. When we opened the gate and knocked on

6 the door, security, some guy, like a bodyguard kind of, type of guy. Same guy

7 walked up and he's like, excuse me, what are you here for and we're here to see

8 Jeff. And then he was okay, well come inside, Jeff'll be here in like 5 minutes.

9 And then we waited and he was like you can help yourself to a drink. And then

10 he left and then like 2 minutes after the guy left, Jeff and a lady walked in and

11 they introduced themselves and we're like, hi, my name is [redacted] and then she's

12 like [redacted] (inaudible) and then there's like a walk in door thing, that you walk in

13 like a cabinet thing, not a cabinet but the island thing (inaudible) and then the

14 door would be right there.

15 MP: Okay.

16 [redacted] Yeah, (inaudible)

17 MP: So they walked away out of your sight?

18 [redacted] Um hm. Well there was another girl there. I was never by myself. I don't

19 remember the girl's name but she's [redacted]'s friend.

20 MP: Okay.

21 [redacted] She was [redacted]'s....

22 MP: What does [redacted], do you have an idea of what, why this woman, this assistant,

23 would ask if [redacted] had anybody with her?

1 [redacted] I don't know but what you call, the lady, she really like (inaudible) I don't know
2 what's wrong. I mean when she walked in, she was like kind of like, I don't know,
3 but she was just like, um, she couldn't say anything about her, she was just first
4 name and that's it and then she was just like right to the point. She didn't try to
5 be friendly, you know.
6 MP: What do you mean she didn't try to be friendly?
7 [redacted] She wasn't like hi, I'm like, you know (inaudible) she was just like hi, I'm and I
8 don't remember her name but she said she was from [redacted] I remember that.
9 MP: And your friend, or [redacted]'s friend stayed in the car?
10 [redacted] No, she was with us. When we walked in, and she sat, she was just there, she
11 didn't do anything, she was with me. We were just right at the table, like we
12 were sitting having a conversation for like two seconds. Then [redacted] came back
13 downstairs and then she's like thanks Jeff and then I'm like bye Jeff and then the
14 other girl was like bye and then we left.
15 MP: Okay, did [redacted] tell you what was going on upstairs?
16 [redacted] No. She just, I didn't ask because like [redacted], the only reason I know the money
17 was to go shopping. That's what (inaudible).
18 MP: Did she give you any money?
19 [redacted] Um hm.
20 MP: How much money?
21 [redacted] $300.
22 MP: What did you do with the $300?
23 [redacted] I didn't spend it. And then I went to school and then my principal, cause I got

1 into a fight with a girl, [redacted], for saying that. Because she said that I was, had
2 done all that with the old man to get that money and that's not true. That's why I
3 got really angry and then we (inaudible) before that and then when I went to the
4 office to (inaudible) the principal but actually she didn't say anything at first and
5 then she was like, [redacted] told her side of the story, can I see your purse and I
6 was like go ahead and (inaudible) and I'm like yes and then my dad, my dad and
7 the principal and my step-mom, they were all like um, why did you do that with an
8 old man and who is the old man. I'll kill him, blah, blah, blah. And then I was
9 like I didn't do anything! I didn't do anything! And they didn't believe me. And I
10 kind of got mad at and then the whole thing, that's when I moved back to my
11 mom's house because my dad thought I was a prostitute. And it was really....
12 MP: You know that just because something may have happened, that doesn't make
13 you a prostitute.
14 [redacted] I know.
15 MP: Do you?
16 [redacted] Yes.
17 MP: Okay. Do you want something to drink?
18 [redacted] No.
19 MP: Are you sure?
20 [redacted] Yeah.
21 MP: You know, I've been doing this for a long time and I'm not saying you're not
22 telling me the truth, I think you're not telling me the whole truth about what
23 happened. Okay? Matter of fact, I know you're not. And I know you might be a

1 little afraid looking on it....

2 [redacted] Okay, I... (inaudible) because they already came to my dad's house and they did

3 something to my dad's tires and my dad almost died.

4 MP: Okay. Give me your hand. I'm here to help you. Look at me.

5 [redacted] I don't want him to get hurt because he already almost killed him.

6 MP: I'm here to help you.

7 KB: Honey, I'm gonna get you some water. Okay?

8 [redacted] Okay.

9 MP: I'm here to help you, okay? I'm being honest, okay? I'm going to be very up

10 front but I need you to be up front with me, okay?

11 [redacted] Okay.

12 MP: The only way I can help you is if you're honest with me, a hundred percent

13 honest with me.

14 [redacted] Okay.

15 MP: Your counselor's not here. Tell me what happened. Now be honest about it.

16 [redacted] Okay. When I got there, that Jeff guy and the lady were there and then the lady

17 wanted me to come upstairs and she's like, she's talking to me and then she was

18 putting out a table like for a massage. And then um, and then when and then

19 she like put the covers on the table and they like, it comes to like (inaudible)

20 whatever and she's like, oh Jeff will be up in a second. And then the Jeff guy got

21 there, she was like, she was like, take off your clothes and I didn't know what to

22 do because I was the only one up there and so I just took off my shirt and I was

23 in a bra and then he came in and had a towel over him and he was like no, take

1 off everything. So I just took off my pants and I was in my bra and underwear
2 and he was like now you're gonna give me a massage. Then he went on the
3 table and he's like here, the lady that was putting down the table, got out three
4 lotions and put them on the table and then he picked up out which lotion. He
5 was like, give me a massage with this lotion and then I was giving him a
6 massage and he said you can get on my back. So he was on the table and I
7 was straddling him on his back and giving him a massage and then he was
8 turning around and then he whacked off and then he's like oh you have a really
9 hot body and then I was like, that's disgusting, but I didn't say that and then he's
10 like oh, excuse me for a second and he, I guess he went into the other room and
11 he whacked off again and then he came back and said to me like, I'm done. And
12 then he's like, here's your money and then I was going downstairs and he acted
13 all nice and stuff, he's like bye, nice to meet you, hope you can come back again
14 and then [redacted]'s like how did it go, what did you do. And I'm like, I'm like, he
15 made me give him a massage, [redacted] and she's like, I know. And then we went
16 to Marshall's and she got a purse and stuff cause she got paid too but I, she
17 didn't do anything, I don't think because she was downstairs the whole time while
18 she knew I was up there.
19 MP: When she asked you to go with her...
20 [redacted]: Um hm....
21 MP: ...did you know...here's your water.
22 [redacted]: Thank you.
23 KB: (inaudible)

1 [redacted] Okay. Bye.

2 (Inaudible)

3 KB: Um, you know what (Inaudible), I'm gonna down to the dorm. She knows how to

4 find me.

5 MP: Okay. You feel better without her here?

6 [redacted] Yeah, because I'm embarrassed cause it's really gross and she....

7 MP: It is.

8 [redacted] ...might tell my mom.

9 MP: That's why I'm here. Okay?

10 [redacted] And I don't want my parents to find out.

11 MP: Well....

12 [redacted] Because I told them it wasn't true.

13 MP: Your parents love you. Okay? And their main thing is for you to be healthy.

14 Okay? Not only physically but up here. And they know that right now your have

15 a lot of issues and I think this is one of them. Because like you said, you thought

16 it was gross. Right?

17 [redacted] Cause he's like 45 years old.

18 MP: That's okay. Let's backtrack a bit. When you went with [redacted] tell me the part

19 where it was the truth. Okay? You were with Zack and [redacted] said let's go?

20 [redacted] Yeah. Okay, we were watching, I don't remember the movie, but I know we were

21 watching a movie and then we were gonna go and take a ride. Cause me and

22 Zack were gonna get dropped off at the bowling alley so [redacted] (inaudible) she

23 was saying about her boyfriend and [redacted] got a phone call and then she was

1 talking to that lady and the lady was like, [redacted], [redacted] was actually saying I'm
2 coming, I'm coming, and [redacted] was like, can I bring somebody? And then [redacted]
3 was like, the lady was like what does she look like and she started describing me
4 and then Zack turned around and said to [redacted] who are you talking to. And then
5 [redacted] went like that and she was talking to the lady and like just describing me,
6 what I was wearing that night and then the lady was like okay, well Jeff is gonna
7 want to talk to you and [redacted] was like, that's fine. And then she got off the
8 phone and then Zack said, I was like too, why are you describing me, who are
9 you talking to. And she was like [redacted], do you want to go with me tomorrow, I'm
10 gonna go pick up some money from my boss's house. And then she's like.
11 cause I get paid tomorrow and then I said okay. And Zack's like no because I
12 guess Zack knew what she did because Zack said no and he got really mad at
13 me and said no, you're not going, you're not going with her. And then I was like,
14 and she's like, you know, but you just have to come with me and I was like cause
15 the old man's gonna give us both money so we can go shopping. Cause that's
16 like my boss and he's really nice. And I was like okay. And then Zack didn't say
17 anything the rest of the night about it, he was just like really (inaudible) out there
18 and mad. Not really mad but he was just like frustrated that [redacted] I guess,
19 would say that.
20 MP: And you didn't know what was really going on.
21 [redacted] I didn't know it was gonna, that I had to give him a massage and get naked.
22 MP: What did you think was going to happen?
23 [redacted] That, like she just said, I don't know but I knew something was wrong, nobody's

1 just gonna pay you money but I didn't think that I, I thought that was just [redacted]'s
2 business whatever [redacted] do, just gonna go over there. And she told me that it
3 was a rich guy and she was saying oh my God, he's so rich, blah, blah, blah.
4 And he has like a new Mercedes and all this stuff and she's like explaining him.
5 And then, what's it called...so actually we didn't, we left but we didn't end up
6 going to the bowling alley. Her boyfriend went to his house really fast to go get
7 [redacted] something from his house and then he (inaudible) brought his car back to
8 [redacted]'s house and we were just sitting there watching the movie but she was
9 like, [redacted] are you sure you're going to go with me and I was like okay, I'll go
10 with you. I'm like last time, I'm like, what are we gonna do [redacted], we were going
11 to go shopping and we were discussing what we were going to buy with our
12 money, cause she told me how much money I was gonna get, $300. And I was
13 cool, I know what I'm gonna buy. We're just like saying what we were gonna buy
14 with the money. She said I need to go buy a purse and then the next day,
15 actually I gave her my phone number that night so she could call, so she could
16 pick me up. And when I went in the house that morning, she called me, she
17 [redacted] are you still gonna come with me and I'm like yeah. So she's like okay,
18 get ready. I'm gonna be there in like 30 minutes and then she came to the
19 house in like 30 minutes. And she had a friend with her.
20 MP: Do you remember the name of the friend?
21 [redacted] I don't know her name but she was like really dark, kind of like a Spanish girl. I
22 don't (inaudible)...
23 MP: Darker than me?

1 [redacted] Um hm.

2 MP: Okay.

3 [redacted] And she had like short hair and she had like a styled hair, like a cute little style. I

4 don't remember her name. I talked to her but I didn't remember her name cause

5 (inaudible) right after I got in the car. And then all the way there, we were just

6 listening to music and singing and stuff and like just laughing and stuff. And she

7 told me the girl about her boyfriend and stuff (inaudible).

8 MP: So you're driving. So [redacted] picks you up. Do you remember what day it was?

9 [redacted] No but I know it was a Sunday because I told my dad, Dad can I please go on

10 Sunday with Haley to go shopping and my dad goes where are you guys going

11 shopping because he didn't know [redacted] and he said no at first and I was like

12 Dad, that's [redacted], you know Zack's cousin and then my dad says okay but I have

13 to meet her. So then [redacted] called me afterward and then she's like I'm gonna

14 need $10 for gas and she was like can your dad give me $10? And then I was

15 like sure but I didn't ask my dad, I just (inaudible) $10. And then my dad was,

16 okay and my dad called me, he's like (inaudible) I'm not gonna be able to give

17 you money. So then I was really mad but then I didn't tell [redacted] but my dad

18 ended up (inaudible) (inaudible) when [redacted] was pulling up, my dad ended up

19 pulling up so [redacted] and my dad saw each other. And [redacted] was like, oh my

20 God, your dad is so hot. And then I said yeah, right. Started laughing about it.

21 And then my dad gave Haley $10 for the gas.

22 MP: So you got in the car. What kind of car did she drive?

23 [redacted] A truck.

1 MP: What color?

2 [redacted] I don't remember but I think it was a bluish color. I think so.

3 MP: So she drove.

4 [redacted] Yeah, she drove.

5 MP: She drove?

6 [redacted] Yeah and I was in the passenger seat and there was like a whole bunch of junk

7 back behind her and I was sitting next to it, like (inaudible) or stuff for school.

8 And was there....like but I don't know but it took a pretty long time to get there.

9 And you know where, like, the rich people are, what is that street? Where the

10 Kravis Center is but further than that. Like towards the beach more. That way.

11 MP: Yeah, towards the beach.

12 [redacted] Yeah. That way. And that's where, yeah, that's like where he lives but when she

13 pulled into, I know for a fact it's a pink house, I remember the pink house and

14 then he had an Escalade in his driveway and then a Mercedes in his garage. I

15 remember that much.

16 MP: Okay. Do you remember... so you took the Kravis way or did you....

17 [redacted] I don't remember where we...

18 MP: You don't remember which way...

19 [redacted] I just remember the building.

20 MP: It was near the ocean?

21 [redacted] Yeah. I know....cause one day when I was with my friend [redacted], that's

22 exactly where we went, like around that area, not the CityPlace area but you

23 know, it kind of looks like that area. Like where the Kravis Center was and I

1 remember....that's how I remember.

2 MP: Do you remember seeing the beach and the ocean?

3 [redacted] No but we went over that bridge where the ocean was and then the bridge went

4 over.

5 MP: Okay. So you definitely went over the bridge.

6 [redacted] Yeah. Went over a bridge. And it was up and we had wait for it to go down. So

7 we were there for like 5 minutes.

8 MP: That was time you were with [redacted]?

9 [redacted] Yes.

10 MP: Okay. And then the house, you said, you described it as pink?

11 [redacted] It was like a, it was a two story house and then it was like a pinkish color, pinkish

12 pink color.

13 MP: Were there gates or something in front?

14 [redacted] Well, it wasn't a gate but, the back door had a gate to it and it was a white gate

15 and [redacted] just like she knew that you had to open it and it wasn't locked so we

16 just opened it and there were three, two or three steps and you just walk up and

17 then he had a pool and it had, like the floor, the floor was like a hard something,

18 it wasn't concrete, it was squares of like concrete, but they were like...

19 MP: Like tile, you mean?

20 [redacted] It was like a coral concrete, you know like.. And then the pool was there and the

21 house was there, I guess it was like a security house because a man that was

22 with the security came out and he was like what are you guys here for, cause

23 you're knocking on the door and then [redacted] said we're here to see Jeff and

then...

MP: What did that man say?

[redacted] He was like oh, okay and she's like, she smiles and then he let her in (inaudible) but he opened the door and then we went in and then (inaudible) and the counter, here's the door when you walk in and there's a (inaudible) refrigerator and then the window, a glass sliding window looks out at the pool.

MP: Okay.

[redacted] And then like the cabinet, I mean not the cabinet, the island, was like here and then there's like a cabinet over there and the door was right here.

MP: Okay, just for the tape purposes, the way that you described it, okay? Is you walk in and on the left hand side?

[redacted] Um hm.

MP: Cause you motioned right now, who's there?

[redacted] (inaudible)

MP: And then when you walked in, on the left hand side, what did you see?

[redacted] Like if I was getting out of the doorway?

MP: Um hm.

[redacted] Okay. Well, there's a door. If you looked straight, it would be straight from you but a little towards the right.

MP: Okay. And...

[redacted] It wasn't a door, door. It was just a doorway (inaudible)

MP: Okay.

[redacted] No, wait, maybe it, I don't know, cause it was open, but there could have been

door, but it was open so I didn't really pay attention. But I know it was a doorway going up.

MP: Okay. So now you're in that kitchen area. Right?

[redacted] Um hm.

MP: The three of you?

[redacted] Yes.

MP: Where did you park the car?

[redacted] In his little driveway area.

MP: So you're in the kitchen area. What happens next?

[redacted] We were waiting there. We were talking, just about how cool the house was. I'm like oh my gosh, I've never been in a house like this. And then the lady and the man came in, Jeff. I'm pretty sure...like 90% positive. And he walked in, he was like in a t-shirt and pants, not pants but you know, like maybe like kind of dressy. And he was like hello, he's like hi [redacted] and then he said hi to me and then he said hi to the girl. He knew the girl and he knew [redacted] But then he said, I don't remember your name but the girl was like, oh, she's like . I know that he didn't remember her but he knew her. Do you know what I mean?

MP: Um hm.

[redacted] He didn't remember her name but he knew who she was. And then she's like oh hi, and she's like who are you and I'm like, I'm [redacted] and then he's like okay, well, then follow my, I don't remember the lady's name but she's, he said follow her (the name) upstairs. So she's like, come on [redacted] and then we walked upstairs and I thought.....

1 MP: By yourself?

2 [redacted] Yes, but I thought that [redacted] cause she said she was gonna get paid, so I

3 thought [redacted] and the girl was gonna get paid in like, you know, like private,

4 privacy and cause it was just him and her and the other girl in the kitchen. And

5 so I went upstairs and as I was walking upstairs, there was a picture of him in like

6 a different country and then I'm like that's really cool and the lady said isn't it and

7 she was just walking upstairs and there was like a door and then, it was like to a

8 little (inaudible) this big and it had a couch and a couch and it was like another

9 walkway towards that way. And then walked towards, like keep walking forward

10 and then to my right and there was a bedroom and then we turned right again

11 and there was a big bathroom, a big...it was humongous. And the bathroom. It

12 wasn't like a bathroom, bathroom, it was like a sitting area with a shower there.

13 Humongous shower. Like a jillion people could be in that shower. And then it

14 was humongous. And there was like a door here and you opened it and there

15 was like a little desk with paper and pads and stuff. And I don't know (inaudible)

16 like sitting on the couch right here, like against my... there's big long couch. And

17 it was pink and green. Hot pink and green. And there.....

18 MP: The room or the sofa?

19 [redacted] The sofa.

20 MP: Okay.

21 [redacted] And there's a table with a phone on it. And um, during when I was giving him a

22 massage, he made a phone call but I don't remember whether he just said, like

23 he said four words and then hung up. Yeah, I don't remember. And he made a

MP: By yourself?

[redacted] Yes, but I thought that [redacted] cause she said she was gonna get paid, so I thought [redacted] and the girl was gonna get paid in like, you know, like private, privacy and cause it was just him and her and the other girl in the kitchen. And so I went upstairs and as I was walking upstairs, there was a picture of him in like a different country and then I'm like that's really cool and the lady said isn't it and she was just walking upstairs and there was like a door and then, it was like to a little (inaudible) this big and it had a couch and a couch and it was like another walkway towards that way. And then walked towards, like keep walking forward and then to my right and there was a bedroom and then we turned right again and there was a big bathroom, a big...it was humongous. And the bathroom. It wasn't like a bathroom, bathroom, it was like a sitting area with a shower there. Humongous shower. Like a jillion people could be in that shower. And then it was humongous. And there was like a door here and you opened it and there was like a little desk with paper and pads and stuff. And I don't know (inaudible) like sitting on the couch right here, like against my... there's big long couch. And it was pink and green. Hot pink and green. And there.....

MP: The room or the sofa?

[redacted] The sofa.

MP: Okay.

[redacted] And there's a table with a phone on it. And um, during when I was giving him a massage, he made a phone call but I don't remember whether he just said, like he said four words and then hung up. Yeah, I don't remember. And he made a

phone call and then he put the table back where it was (inaudible). And then....

MP: But the lady...so you're upstairs and you're sitting down and the lady's there. What is she doing?

[redacted] Oh, she's, well, there's a closet right here, with a table in it. Like the massage table...

MP: Near the sofas?

[redacted] Yes. Like a door on each side and um, towards the door, there's a door for the table. She took that out and there's like a safe and then like she put it in the middle. It's this way, like long ways. And then she put like put the cloth over it but she's looking around the room, I guess just to look, like she was remembering something, I guess, like where the lotion was. And there are pictures of like, naked girls on the wall and there was like, there was like one big mural of naked girls' like, butts. And then, towards the door, there was like a cabinet here, like a built in thing, like a (inaudible) and um, there's drawers in it and she opened the last drawer and there was a whole bunch of lotions, like millions and millions of kinds of lotions. And she picked out three kinds of lotions and put them on like an armoire kind of thing with a mirror. And she set it there. And then after, she told me, sit here for 5 minutes. Like, just sit there. And eventually he came in and he was like, hi I'm Jeff and I'm like hi, I'm [redacted] And he's like, I'll be right back, you can take off your clothes. And then he left. And there's a bedroom out there and he just went out there and I don't know but there's like, pictures out there, I think, I don't remember, he took off his clothes and put a towel over himself. But I don't know if there was a towel thing back

there cause it's like, I don't remember....

MP: Did he undress in front of you?

[redacted] No, he didn't. But he took off his towel in front of me.

MP: Okay. So he came back in....

[redacted] Yeah, he came back into the room and he was....

MP: Were you dressed?

[redacted] I was in a bra and he said no, I meant get naked. And then I was, I went like that and he was you can keep your bra and underwear on and but get down to your bra and underwear so I took off my pants. Cause he was real stern about it, like Take Off Your Pants. And then I just took off my pants and then he laid down on the table but like, after he was laying on the table, he took off the towel just enough, you know, like you could see....

MP: Did you see him naked?

[redacted] Yes I did. And it was disgusting.

MP: I don't mean to... I know maybe it's disgusting but can you describe him? Did he have any marks, tattoos, was he hairy?

[redacted] Yes, he was really very hairy on his chest and on his back and towards...okay I don't mean to sound gross but....

MP: No, say it the way you would if you were speaking to one of your best friends.

[redacted] Okay.

MP: (inaudible)

[redacted] Okay. He was laying on his belly side so his butt was like, up. And there was like, he had a very hairy back all the way to here and then there was just like a

1 hairy butt line going down to his butt.

2 MP: Okay.

3 [redacted] So gross. Okay, and then...(inaudible)

4 MP: Did you see the front of him?

5 [redacted] Yeah. Cause when he got off the table, he like turned this way so everything

6 showed towards me and then he got off and then he went and whacked off and

7 then he came back in. But he was very hairy on his chest area and I just looked

8 for like one second and it was very, very disgusting. Okay. That's all I have to

9 say about that.

10 MP: Do you know what it means....and I have to ask only because there are some

11 people that don't.....to be circumcised?

12 [redacted] No. I don't, I don't really know... but I think he was on steroids because he was a

13 built guy and his weinie was very tiny.

14 MP: His wee wee was very tiny.

15 [redacted] Yes.

16 MP: And when you mean wee wee, you mean what?

17 [redacted] His penis.

18 MP: Yes, his penis. Okay.

19 [redacted] Yes, his penis.

20 MP: People call it different things. Alright. I just wanted to make sure we know.

21 Okay. He laid down, he took off his towel and he laid down.

22 [redacted] He laid down on the .....

23 MP: Did he take his towel completely off or just open it so...

1 [redacted] No, completely off.

2 MP: Okay. Where did he put the towel?

3 [redacted] On the floor. Right like, the table underneath.

4 MP: Okay. So he laid down, took the towel off. What happened next?

5 [redacted] And then he's like, get the lotion. So I grabbed the lotion. Which, I had to walk

6 almost naked, but I was in like a thong so yeah, my butt was showing and he, the

7 table is like, I mean the sink was, you know, the lotions were right there and I

8 was over here and he was like go get the lotions just so I could walk past him

9 with my butt showing to go get the lotions. So I got the lotions and he's like, he's

10 like this lotion and then I took that lotion and he's like squirt it on your hands and

11 then massage clockwise on my back cause I didn't know how to do it? and then

12 he's like telling me where he would like the massage, here and here, the right to

13 the left, down more, up more. So I was just massaging and he turned and

14 started having a conversation, oh what happened to [redacted] and I'm like,

15 (inaudible) my ex-boyfriend (inaudible) what's your boyfriend's name. Zack. And

16 he was kind of questioning me and then he said what, he's like, could you stop?

17 I need to go. And i just stopped and I'm like okay. And he got off the table. He

18 put the towel over him. He bent down and got the towel and then he left the

19 room and you could hear him, like, you know, you could obviously tell what he

20 was doing, just like....

21 MP: I don't ..... I won't look at you but do what he was doing, what you heard. I know

22 it's kind of embarrassing but....

23 [redacted] He was making like sex noises. You know, like..... I don't.. They were very

strange noises. That's all I can say.

MP: Okay.

[redacted] I don't know how to describe them, they were very strange.

MP: Can you imitate them?

[redacted] I don't, I don't want to make a fool out of myself.

MP: You won't. You're not making a fool. You know, it might say it's sex noises. He may say I was singing.

[redacted] Okay. He was like....

MP: I won't look at you, go ahead.

[redacted] He was like oooohhhh, ooohhh.

MP: Okay, okay, he's making groaning noises.

[redacted] Yes, groaning noises, that's it. Okay. That was really embarrassing. It really was. He was making those kinds of noises and then he walked back into the room, took off his towel again and laid back on the thing and then he wanted the same kind of massage but he was like oh use your (inaudible) a little bit more.

MP: You were massaging his back?

[redacted] Yeah. And then he, he's like, could you, turn over for a second.. (inaudible) (inaudible) go back out of the room. He turned over and he said okay, please massage my boobs. And then I was massaging his boobs and he's like, he's like, oh, like as I was doing it, as I was massaging, he was making the same noises again like, oh my God, it's so embarrassing to do this. He was like....

MP: I won't look.

[redacted] He was going like ooohhh, making those noises. And like 5 minutes after that,

and then he turned back around and he just started touching himself and I think the massage was like a half an hour but cause I don't know, the time I think was a half an hour to 45 minutes and then I was done. And then he, I think he has like a safe somewhere because around us he didn't have his wallet or something because right when we got out the door, he left to go put the towel on again and he put the towel on again and went out of the room and he goes you can put your clothes back on. So I put my clothes back on and he walked right out there, like two seconds and then came back like within two seconds. And he's like here's your money. And then he gave me $300 in hundred dollar bills and they were like brand new because they only had like one crease in them and that's when they're folded in half. And he said thank you for your time. And then he left. And he said you can see your way out and I was just walking and I got lost cause there's so many different rooms and I got lost and I walked back downstairs and [redacted] was like just smiling and giggling, like, I guess it was what the lady was saying and then she looked at me and she looked back at the lady and then she's like, the lady's like oh, bye [redacted] cause it was time to go cause I guess because I was done. And then, then we left the same way we came in and then [redacted] 's like oh my gosh, [redacted] goes how did you like it. Like how much did he give you, how much did he pay you. And I'm like $300. And I was kind of like $300, [redacted]. Cause the girl was like this. She was looking at me really weird. The other girl that was with her. She's like really quiet though. And then she just looked at me really weird and she's like trying to gaze into my eyeballs. And then we went in the car and when we got in the car, [redacted] s like, let me see what

he gave you. And then I showed her my $300 and she's like, we're going to Marshalls. And then, give me back my money and I put it in my back pocket. And then she was trying to get me to describe what happened so I told her what happened. And she's like, you could do this every Saturday. He's is like so rich. And I was just kind of like, yeah, we could. And then, she put back on the music. And then, when we were leaving, the lady was walking outside and I (inaudible) one of the cars really fast but she was just going to the passenger seat and she opened the door and then closed it.

MP: What did [redacted]'s friend say? Did she say anything about it?

[redacted] She was just like interested in what happened, like when we were talking, we're like into the conversation and then she was kind of like giggling and laughing, like, I think, I wouldn't say, I mean, I don't know if (inaudible) or not but she wasn't acting surprised, you know, like giggling. She was just of like giggling and laughing along with [redacted]. And then [redacted] goes um, and then when I was giving the guy the massage, he goes, I know [redacted] she's been working with me for a long time and then when I came back downstairs, [redacted] goes, you only paid me $200. So....

MP: He liked you better.

[redacted] I don't know.

MP: Well, after you left, where did you go?

[redacted] Marshalls or to TJ Maxx, one of those two. TJ Maxx or Marshalls. And she bought a black purse.

MP: Okay. Did you see [redacted] after that again?

1 [redacted] Um, I don't think so because that's when I got grounded. And then that's when I
2 got in trouble with the fight. So after that, I'm pretty sure I didn't. Most likely.
3 MP: Did you ever speak to her again?
4 [redacted] No, because I got my cell phone taken away.
5 MP: Okay. So you haven't see [redacted] since the day you went to Jeff's house.
6 [redacted] Correct.
7 MP: Are you sure?
8 [redacted] Yeah. I'm 100 percent sure.
9 MP: How do you know she....now tell me what happened with your dad.
10 [redacted] Okay. Because my dad, I didn't know about until my sister told me when she
11 came here. But my sister, on a Thursday, was coming here. And wait,
12 Wednesday night, my dad said that he heard the dog barking and my dog is
13 inside. So he's barking and he's outside, like barking towards outside and then
14 my dad is like shut up cause he forgets the dog's name and the dog wouldn't be
15 quiet. So he's like, I'm taking the dog outside. And then my dad took the dog
16 outside and the dog was way in towards my dad's truck, like my dad thought he
17 was attacking the animals but my dad, a person, a boy, I don't know for a fact
18 but I know in my heart its Zack. Because Zack got really mad over the whole
19 situation.
20 MP: Did you tell Zack what happened?
21 [redacted] Yeah. And that's when, he punched a wall and he like my face was right there
22 and he punched the wall, like my face was right there and he punched the wall
23 right next to my face. And he started getting all upset and crying and calling

1 [redacted] how could you do this? Blah, blah, blah. And then [redacted] 's like, okay, I
2 won't do it again. And like she just kind of like hung up and he was like I hate
3 her, I hate her and then I hate you too. And I was like okay and we broke up and
4 then I think (inaudible) on the computer and I think he told [redacted] what
5 happened and she turned it into an extraordinary, like story so at school so I
6 would look like, you know, like I'm the bad person, like I'm a slut, I'm a whore or
7 something and she's going around school saying all this stuff and then so my
8 parents came, cause that's when I got mad at her and told her to stop talking but
9 she wouldn't stop talking about it. So I just got in a fight with her, like a fist fight
10 at school. And I got suspended and so did she but she only got suspended for
11 one day because I started the fight. So I got in trouble more. And my dad got
12 really mad and he grounded me for it, because he found the $300 in my wallet
13 and then my dad was like, you're grounded, you're grounded forever and he's all
14 freaking out, how could you do this, blah, blah. The school said you did. And
15 um, I didn't tell the school how, I told them I got it from my job, cause I worked at
16 Chick Filet but I quit. So I said I (inaudible) but nobody believed me so I was just
17 like believe what you want. Cause I didn't want to tell the principal or my
18 parents.
19 MP: Well, I think that the best thing that you're doing is that you're being honest.
20 Okay?
21 [redacted] Um hm.
22 MP: You already know that they have a pretty good idea what happened. Okay?
23 [redacted] I didn't even know there was like an investigation.

1 MP: Well, that's....

2 [redacted] I just knew.

3 MP: Well, this is why. What's happening is that I was made aware of this situation...

4 [redacted] From my school?

5 MP: I'm not gonna say, okay? I was made aware of this situation. And they look at it

6 like you were taken advantage of. Not that you did anything wrong, okay? Even

7 though you went there willingly. Even though you went there willingly, you were

8 still taken advantage of. Okay? Because you were put into a position that you

9 felt you had no choice. Once you were there, before when you were telling me

10 about how Jeff told you to take off your clothes? You took your pointer and you

11 said he was really stern and you banged your leg, you put the pointer on your leg

12 when you said that. How did you feel when he told you to take your clothes off?

13 [redacted] I don't know. I didn't know what else to do because I was the only person up

14 there and he's like 45 years old and he has like big muscles, because, I don't

15 know, but I'm pretty sure 45 years old and big muscles, body builder.

16 MP: Okay.

17 [redacted] So I just felt intimidated because he's guy, first of all, and I'm a girl and I know

18 that [redacted] was all the way downstairs with the lady and what was [redacted] going to

19 do to help me all the way upstairs so I just did it.

20 MP: Okay. Now, there's one way I'm a little confused at because you said that, and

21 I'm using your words okay, that he whacked off twice. You said before that he

22 whacked off twice. When did he do that?

23 [redacted] In between giving him a massage, like when I was giving him a massage, he was

1 got, he was like, excuse me for a minute and he just left the room.

2 MP: Okay, so that's once. When was the other time?

3 [redacted] Like during the thing, like when I was massaging his boobs.

4 MP: When you..okay, when you were massaging his boobs, was his back flat on the

5 table? How was he positioned?

6 [redacted] Well, he was at first and then when he started to whack off, he got like, his back

7 went off the table, kind of like leaning...

8 MP: Okay, where were you standing?

9 [redacted] I was standing up. I was not on him. I was standing up (inaudible) and I was

10 like....he was towards, okay, he was on the table. I'm right here and he's leaning

11 that way.

12 MP: Okay.

13 [redacted] ..like (inaudible) cause I guess, I don't know, but... and he was like, my face, it

14 got hard to see what was going on because of how low I was and he just kind of

15 moved his head the other way and he was like, wants....

16 MP: Okay, but just now, when you're saying that, you moved your hand. Did you see

17 him whacking off?

18 [redacted] Yes. I saw him whacking off.

19 MP: Okay. That's what I need to know. Cause you said he whacked off twice.

20 [redacted] Um hm.

21 MP: So he whacked off in front of you?

22 [redacted] Um hm.

23 MP: And you saw his hand doing or you saw his eyes, what was going on?

1 [redacted] Okay. I saw his face, facial expressions and noises.

2 MP: Okay. What else did you see?

3 [redacted] I just saw him...

4 MP: You keep moving your hand so...in other words, he took his hand and what was

5 he doing with his hand?

6 [redacted] I don't know how to explain it. He was just whacking off.

7 MP: Okay, describe...don't....

8 [redacted]: Okay, sorry, he put his hand on his penis and he put it up and down and he was

9 like making facial noises, I mean facial expressions and making noises.

10 MP: So you saw him doing that, he did that in front of you?

11 [redacted] Yes.

12 MP: Do you know what it means when someone ejaculates?

13 [redacted] It means they're horny?

14 MP: No, what it means is that once they, while they're whacking off and I'm using

15 your words, okay. Another word for that is masturbating. Okay?

16 [redacted] Yes.

17 MP: Do you know what it means to masturbate? A boy does it?

18 [redacted] I don't know why they do it or I know why they do it but I don't know what it

19 does...

20 MP: Okay.

21 [redacted] To them.

22 MP: In other words, fluid comes out of their....

23 [redacted] Oh, okay.

1 MP: Okay? I'm just being very... I'm gonna tell you because I think....

2 [redacted] I know that part.

3 MP: Okay. So fluid comes out and that's ejaculating. And it's called semen. So

4 while he was whacking off, okay, did you see any fluid come out?

5 [redacted] It was, yes, because he had to take the towel and wipe his thing before he got off

6 the table again to go get the $300.

7 MP: Okay.

8 [redacted] He took the towel and like... And then, okay, like he took the towel to wipe

9 himself and then like as he was getting off and then this way instead of this way,

10 this way, like that.

11 MP: Okay. Since you've seen his penis, was there anything distinctive about it? Like

12 did he have a mole on it?

13 [redacted] No, it was very small.

14 MP: Very small, that's fine. Did you notice...you said he was very hairy on his chest.

15 Did he have any tattoos?

16 [redacted] Uh uh, not that I saw.

17 MP: Did he have any scars?

18 [redacted] No, but he had freckles somewhere because he was huge.

19 MP: You're pointing at the chest area.

20 [redacted] Yeah, some freckles.

21 MP: Like a mole or a freckle?

22 [redacted] A freckle.

23 MP: Okay. Can you tell me what he looks like?

1 [redacted] He had like not white hair but it was, not white but it, you know, it was kind of like,
2 like me. It was like.... I don't know.
3 MP: He was going gray.
4 [redacted] Yes. He was going gray. And he had...
5 MP: What color hair did he have before? Blonde, brown?
6 [redacted] No.
7 MP: You were describing Jeff to me, with the freckle and he was going gray and what
8 else?
9 [redacted] Um, like he, like his skin color is like, when I saw him, when you have a sunburn,
10 but its like when you have it a couple of days and it's turning into a tan. It was
11 like a reddish tannish color. And he had like a long face and that's about all I
12 can remember and he had a white t shirt when he first came in.
13 MP: Okay.
14 [redacted] I don't really remember...
15 MP: Did he have any king of like jewelry on his body that you noticed?
16 [redacted] I didn't, I don't remember.
17 MP: Okay. Do you remember what color eyes he had?
18 [redacted] Nope.
19 MP: Did he have any facial hair, like a mustache? Or a goatee or anything?
20 [redacted] Hmm....No but his eyebrows were really thick and they were bushy, like
21 everywhere.
22 MP: Okay. Did he ever ask you to do anything other than massaging him?
23 SG: No.

1 MP: Are you sure?

2 [redacted] Yes.

3 MP: Did he try to, did he try at anytime to grab your hand, just try to put it

4 somewhere?

5 [redacted] No. No, no, no. I know what you're getting at. No, I did not whack him off.

6 MP: Okay. You said that you straddled him.

7 [redacted] Um hm.

8 MP: What do you mean by that?

9 [redacted] When..he was on his stomach and I was giving him a massage, like I was, you

10 know where, like, on...on, like the butt? And then like, I was sitting on his butt

11 but a little bit above his butt. And I, it was, I was butt naked and he was butt

12 naked and....

13 MP: Okay.

14 [redacted] ...my butt was, my butt cheeks were on the top of his butt and the real little of his

15 back.

16 MP: Now when you say you were butt naked....

17 [redacted] I meant with underwear and a bra.

18 MP: Okay. Now, did he ask you to get on top of him?

19 [redacted] Um hm.

20 MP: Or did you do that on your own?

21 [redacted] No, he's like..because at first, I was giving him a massage like you know,

22 standing up. And he, then he's like it would be feel more comfortable if you got

23 on my back. Could you please do that....and then I did that. Like, I did, um, like,

1 I wasn't, at first I didn't want to sit on his hairy you know, butt. So it was kind of
2 like, you know, like, pushing my legs on the table so like I could kind of sit up and
3 he was like could you please just put all...like sit on me, put all your body weight
4 on me. And then I went, I was just kind of like kind of think I did when I was
5 actually sitting on him, I didn't realize what it was and then like, I got grossed out
6 and as I'm going down, kind of like popped up again. Cause it was gross.
7 MP: Okay. He never tried to touch you?
8 [redacted] Besides like, you know, well, what do you mean by touching, like sexually
9 touching me?
10 MP: No, did he try to touch you or...
11 [redacted] He put his hand on my back when he was whacking off or masturbating. Like,
12 he was just like....
13 MP: You keep, like motioning, like smacking.
14 [redacted] No,...
15 MP: What do you....
16 [redacted] Like, when you're leaning on something, putting your force on it? He was going
17 like that, like...pulling, not, you know, like....
18 MP: Can you show me what you mean?
19 [redacted] Okay. He was.....
20 MP: Let's say I'm on my back. Where would you be, I'm Jeff, where would you be
21 standing?
22 [redacted] I'm right here. I was like, I was like sitting right here.
23 MP: Okay.

1 [redacted] Okay and when he backed up.

2 MP: Which way, this way?

3 [redacted] Yeah.

4 MP: Okay, I'm going to my left.

5 [redacted] All the way around til your back's on the table.

6 MP: Okay. I'm facing you.

7 [redacted] And then you're, your face is a little bit that way...

8 MP: My right. Okay.

9 [redacted] And (inaudible) towards, like on his knees, kind of....

10 MP: Okay, I'm hunched over a little bit.

11 [redacted] And I'm over here. And I"m still giving you a massage and everything but this

12 hand is around me and (inaudible)

13 MP: Okay. My left hand would be...so is my left hand around your shoulders?

14 [redacted] No, under my arm while I'm going like that...

15 MP: Okay. So I'm holding you like around by the waist.

16 [redacted] Um hm. And that hand was on his...

17 MP: His right hand.

18 [redacted] Yes.

19 MP: Okay. It just gives me a better picture of trying to understand, that's why.

20 [redacted] Um hm.

21 MP: And I appreciate you doing that. I don't mean to make you feel uncomfortable.

22 Do you feel uncomfortable?

23 [redacted] No.

1 MP: Okay. After everything was done, okay, did he watch you get dressed?

2 [redacted] No. Cause I was getting dressed while he was out there getting the $300. I

3 guess that's what he was doing. That's the only thing he came back in with. He

4 was still in a towel and stuff.

5 MP: In the room, at all, do you think...and I don't know if there is or not, but do you

6 think there is anything in there that may have recorded what you did?

7 [redacted] Oh my gosh....

8 MP: A video camera...

9 [redacted] Oh my gosh. I didn't think about that. There was lots of places there could have

10 been one because there's pictures, that could have been, I don't know....

11 MP: When he walked out... the reason why I ask is because he walked out once and

12 then came back in, right?

13 [redacted] Yes.

14 MP: So it could be just so he could whack off. I was just curious. I don't know if

15 there is or not.

16 [redacted] If there was, I did not know about it.

17 MP: Okay. So you get dressed, you go downstairs. Where is that woman again?

18 [redacted] Downstairs talking to [redacted] and the other girl.

19 MP: Okay.

20 [redacted] They were having a conversation.

21 MP: Okay. At any time, did he speak to you or does he know how old you are, did he

22 know how old you were?

23 [redacted] Okay. Yes. And, as a matter of fact, [redacted] told me to say I was 18, because

1 [redacted] said tell him you're 18 because if you're not, he won't let you in his house.
2 So I said he was 18. As I was giving him a massage, he was like how old are
3 you. And then I was 18. But I kind of said it really fast because I didn't want to
4 make it sound like I was lying or anything.
5 MP: So what other things did he ask you?
6 [redacted] Um, how I know [redacted] what school I went to.
7 MP: Did you tell him what school you went to?
8 [redacted] Yeah but I told him Wellington. I didn't tell him Royal Palm.
9 MP: Did he ask you what grade you were in or did you tell him what grade you were
10 in?
11 [redacted] Yeah, he was like what grade are you in? Because I told him I was in 12th grade
12 still.
13 MP: Okay.
14 [redacted] Because I told him I was 18 so I had to...
15 MP: So you told him you were in 12th grade?
16 [redacted] Yes.
17 MP: Are you sure?
18 [redacted] Yes.
19 MP: Okay. What else did you talk about?
20 [redacted] Um, that's about it. And he was kind of asking me like how I knew [redacted], is
21 [redacted] nice to me and then he told me how he knew [redacted] and he was like, I was
22 kind of like, how do you know [redacted] Cause I brought up the conversation. He
23 said well I know Haley because she's been working for me for a long time. And

then like, I kind of, you kind of get the picture, working for you and hello, I'm sitting there giving him a back massage. So I kind of figured it out.

MP: He never said that, he just...

[redacted] Yes..

MP: ...said that she worked for him.

[redacted] Yeah but don't...on our way back home, that, like, doesn't make any sense if she didn't do that because why would [redacted] be doing (inaudible) for almost the same amount of money as me.

MP: Right. Well, why couldn't he pay her that day?

[redacted] I don't know, because that's a good question. Cause she didn't, as far as I know, but I don't know but I'm pretty sure she didn't tell me. she didn't think. She was just downstairs having a conversation. And I think that when I went up to the lady, he paid her because like, you know, so because, he paid her while I went upstairs and when I went downstairs, she was still talking to the lady still and she goes, when we were in the kitchen waiting, the old man to come to the house still, she said, oh the chef is so hot, he works here and she was like, and she's like he's so hot, you know, saying his face and then the other girl (inaudible) because when we saw the chef come in, he was old, too. He was like...

MP: So [redacted] likes older guys.

[redacted] Must like it.

MP: Okay. So you left and that was the last time you see him.

[redacted] Yes and that's the last time I went....

MP: Has Jeff ever tried to call you?

1 [redacted] Nope. And...

2 MP: Did you leave a phone number?

3 [redacted] Yeah. Actually I did. Cause when I was leaving, he goes um, please leave your

4 phone number so [redacted] can keep in touch with you because she doesn't have

5 your phone number. So I didn't, I just gave him my cell phone number. I didn't

6 give him my house number, I gave him my cell phone number.

7 MP: And how long ago was this?

8 [redacted] Oh my gosh, I couldn't tell you the date but....it was about maybe, oh my gosh, a

9 month and a half ago. I don't really know..

10 MP: In February?

11 [redacted] I...

12 MP: Because we're in March right now.

13 [redacted] Either the very beginning of February or the end of January. I couldn't tell you...

14 MP: How long after did you get into that fight with [redacted]?

15 [redacted] Um, like a week, cause...

16 MP: You got into a fight with [redacted] on the 9th.

17 [redacted] Okay, so yes, it was about a week after....or before.

18 MP: Okay. And who else besides Zack dic you tell what happened?

19 [redacted] That's it.

20 MP: Besides [redacted] of course.

21 [redacted] Zack and [redacted]

22 MP: Do you think [redacted] has brought anybody else that you know of?

23 [redacted] No, but she wanted me to bring my sister but that same day was going to her

boyfriend's house.

MP: Okay.

[redacted] And, when I was in that guy's room, there was a like, where the drawers of lotion were, there's like a shelf of pictures and he had so many pictures of girls about 16, 17, around that age, 17 or 18. And they were like on the walls and most of....all the girls were topless or just plain naked. And they were in positions or they were just standing up.

MP: Okay.

[redacted] Looking at pictures.

MP: Okay. Well, I have to ask you. Do you know the difference between....and you're a grown woman, so I'm asking you. You're pretty mature for your age. Okay? Do you know the difference between right and wrong?

[redacted] Yes.

MP: Do you know the difference between the truth and a lie?

[redacted] yes.

MP: Can you tell me what a lie would be?

[redacted] Um, not saying the truth.

MP: Okay. So if I tell you you are wearing a blue sweater right now.....

[redacted] I could tell you you're lying.

MP: Why?

[redacted] Because I'm wearing a pink one.

MP: You got it. Is everything you've told me the truth?

[redacted] Yes.

1 MP: Are you lying about anything?

2 [redacted] No. I'll swear on the bible.

3 MP: Okay. Swearing to God, that's good enough for me.

4 [redacted] I swear to God.

5 MP: Okay. Is there anything else you'd like to talk to me about?

6 [redacted] No, because that's about....nothing else about the whole thing.

7 MP: So that's it. You did not have any kind of sex with him.

8 [redacted] Heck no!! I will swear on my mother's grave.

9 MP: You know what having sex with somebody means?

10 [redacted] Yes, I know what having sex with somebody means.

11 MP: Okay. You, at no time, touched his penis?

12 [redacted] At no time did I touch his penis.

13 MP: At any time, did he touch you.....

14 [redacted] At no time...

15 MP: Besides putting his hands...

16 [redacted] Besides that, no times did he touch me.

17 MP: And just so I can be sure, you saw him whacking off once.

18 [redacted] Yes, I saw him.

MP: Okay. And as far as you think.....

[redacted] I think, I know, well, I couldn't say I know, but it's the same noises were being made when he was (inaudible).

22 MP: And that's it. I thank you very much. This will conclude the interview. The time

23 now by my watch is approximately 3:05.

TAB 5

THE STATE OF FLORIDA,)
COUNTY OF PALM BEACH.)

IN RE:

JEFFREY EPSTEIN.

_____/

SWORN STATEMENT OF [redacted]

Friday, March 21, 2008
12:05 p.m. - 12:15 p.m.
250 Australian Avenue South
Suite 1400
West Palm Beach, Florida 33401

Reported By:
Judith F. Consor, FPR
Notary Public, State of Florida
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1 Statement taken before Judith F. Consor,
2 Court Reporter and Notary Public in and for the State of
3 Florida at Large, in the above cause.
4 - - -
5 Thereupon,
6 [redacted]
7 having been first duly sworn or affirmed, was examined
8 and stated as follows:
9 THE WITNESS: Yes, ma'am.
10 BY MR. GOLDBERGER:
11 Q. Jennifer, my name is Jack Goldberger and
12 I'm here with Lilly Sanchez. And we are two lawyers that
13 represent Jeffrey Epstein in some matters that are being
14 investigated here in Palm Beach County.
15 We've asked you to come in here today, and
16 we really appreciate that you came in here voluntarily.
17 You've just been sworn to tell the truth,
18 and really all that means is that we're going to take a
19 statement from you. And it's obvious that we just want
20 you to tell us what you know.
21 A. Uh-huh.
22 Q. We don't want you to tell us anything that
23 is incorrect or a lie in any way. We simply want the
24 truth here. And we're going to do this very, very
25 quickly. Okay?

A. Uh-huh.

Q. If you don't understand -- you know, I talk in what's called lawyerese sometimes. And if you don't understand what I'm saying, just say, "Jack, what are you talking about?" And we'll get it straight for you. Okay?

A. Uh-huh.

Q. Will you tell me what your full name is.

A. [redacted]

Q. Okay. And your birthday, [redacted]?

A. [redacted]

Q. Okay. Now where do you live right now?

A. [redacted].

Q. Is that here in West Palm Beach?

A. [redacted]

Q. How long have you lived there at that address?

A. [redacted].

Q. And you live there with your son?

A. Yes. And my parents.

Q. Okay. You've never been in court before for anything, have you?

A. Traffic.

Q. Your own traffic?

A. Nothing, nothing serious.

Q. Just your own traffic matters?

A. Yes.

Q. Have you ever had to have an attorney represent you for anything?

A. No.

Q. Good for you.

Okay I want to talk to you about a man that you know by the name of Jeffrey Epstein.

A. Uh-huh.

Q. You know Jeffrey, do you not?

A. I met him once.

Q. How many times did you ever go to Jeffrey Epstein's house?

A. One time.

Q. Okay. And now before you went to Jeffrey Epstein's house, had you ever heard of him before?

A. Yes, [redacted] had told me about him, [redacted]

Q. And what had [redacted] told you about Mr. Epstein?

A. She told me that he was having girls such as [redacted] and [redacted], and others that I don't know their names, were setting up girls to bring them over and give him massages, and it was going to be strictly massages, no physical contact other than that, and that I would be

1 getting paid -- I don't remember what she told me. I
2 think she said a hundred dollars for a half-hour or
3 something, two hundred; either a hundred or two hundred.
4 I can't remember. It was a long time ago.
5 Q. Sure.
6 A. But it was only going to be for a half-hour
7 and that was it.
8 Q. Now you learned of Mr. Epstein, I think you
9 just told me, through [redacted] is that correct?
10 A. I learned of him through [redacted].
11 Q. Okay. So I guess we can assume then that
12 Mr. Epstein, prior to your going over there, never called
13 you on the telephone?
14 A. Never knew who I was until I saw him, that
15 I know.
16 Q. I understand. You never received an e-mail
17 from Mr. Epstein prior to going over there?
18 A. No.
19 Q. You never had any kind of Internet contact
20 with Mr. Epstein before going over there?
21 A. No contact at all.
22 Q. Okay. You never spoke to anyone that
23 worked for Mr. Epstein prior to going over there?
24 A. No.
25 Q. Never had any kind of e-mail contact with

1 anyone that worked for Mr. Epstein before going over
2 there?
3 A. No.
4 Q. And again, never had any kind of Internet
5 contact with anyone that worked for Mr. Epstein before
6 going over to his house?
7 A. No.
8 Q. Okay. So [redacted] told you that you could
9 go over to Mr. Epstein's house and do a straight,
10 legitimate massage, correct?
11 A. Yes.
12 Q. And that there would be no physical or
13 sexual contact in any way?
14 A. Right.
15 Q. And I assume that was important to you to,
16 to make sure that there would be no sexual contact?
17 A. Yeah. I mean [redacted] was one of my good
18 friends. She was one of my best friends at the time and
19 I trusted her word, and what she told me sounded
20 legitimate and legal, to my understanding. I wasn't
21 doing anything out of the way. So I believed it wasn't
22 too bad to do to clear my bank account up and get that
23 straightened out.
24 Q. Okay. And when I talked to you about --
25 you know, I'm not a technology guy. But when I talk to

you about e-mail and phone contact, I'm including text mail messages and any other kind of contact the way you guys use it.

A. No contact whatsoever.

Q. Okay. So there was no contact at all?

A. No.

Q. Okay. Now, I think you just what answered the question, but let me just ask -- I'm going to do what I told you I wouldn't do; I'm going to ask it to you in legalese. Before going over to Mr. Epstein's house, did anyone try to persuade you to engage in that kind of sexual activity or sex with Mr. Epstein?

A. No.

Q. Okay.

A. When [redacted] had -- because [redacted] was the one that had drove me over there --

Q. Right.

A. -- [redacted] told me that [redacted] would be the one driving me -- they were following -- and [redacted] had said that if -- he might ask if I wanted to do anything else, that it was up to me, I could say yes or no. She said, "He may ask you to do other things."

Q. But no one was asking you before you --

A. No one was telling me that I had to do anything. She was just stating that it was a possibility

he may ask me to do other things.

Q. Most importantly though, before you went over there, no one tried to persuade you to engage in any kind of sex?

A. No, no one persuaded me.

Q. No one was inducing you or enticing you to do any kind of sex?

A. No.

Q. Okay. And certainly no one that had any association with Mr. Epstein tried to persuade you or induce you to engage in any kind of sex?

A. No.

Q. Okay. As far as what [redacted] said to you, she said he may ask you whether you want to do anything and it was totally within your rights to decide?

A. Totally within my rights to do whatever I wanted to do.

Q. And I assume she told you that if anything was asked of you, whether you wanted to do anything else, I assume [redacted] told you that Mr. Epstein would absolutely respect that. In other words, if you were asked to do anything and you said no, he would say, "Fine. I understand."

A. Yeah. Because he told me in the room if I didn't want to -- whatever I didn't want to do, just say

no and he said that was fine.

Q. Okay.

A. That's what I was understanding.

Q. Okay. But that conversation only took place after you got to his house, right?

A. Yeah, right.

Q. Okay. And going back to, to [redacted], she never communicated to you, with you by e-mail or text messaging about any engaging in any kind of sexual activity?

A. No. It was just that day that I had decided that I was going to go over there that [redacted] had took me over to [redacted]'s house and then [redacted] had drove me there and [redacted] and [redacted] followed.

Q. Okay. I know the answer to this is obvious, because you only went there to Mr. Epstein's house one time, but I've got to ask you this. You never traveled anywhere with Mr. Epstein, did you?

A. No.

Q. You never left the state to meet with Mr. Epstein, did you?

A. No. Heard other girls did.

Q. Okay. Ms. Sanchez just reminded me of a question I forgot to ask.

You never spoke to [redacted] on the

1 telephone at any time, did you?
2 A. No.
3 Q. Thank you.
4 So I think what I'm hearing you tell me is
5 that your going over there was entirely voluntary; it was
6 consensual on your part?
7 A. It was consensual on my part, yes.
8 Q. No one told you that you had to dress in
9 any particular way?
10 A. No. I was wearing jeans and a tee shirt.
11 Q. Kind of like today, right?
12 A. Exactly.
13 Q. Now, you were told that you didn't have to
14 take your clothes off, right?
15 A. Yeah. She was -- well, they told me it was
16 up to me. They said that it was just going to be a
17 massage. They didn't tell me anything further than that.
18 They said if he did ask me, it was entirely up to me.
19 Q. Right.
20 A. And that was that.
21 Q. Right. And you were told you could say no
22 to anything if anything was asked?
23 A. Yes.
24 Q. And that was clearly the atmosphere that
25 existed when you went to the house?

A. Uh-huh.

Q. Anything that was done was totally your decision?

A. Exactly.

Q. All right. Great.

Now you never -- during the one time that you were with Mr. Epstein, you never told him at any time that you were uncomfortable with him in any way, did you?

A. No.

Q. You weren't afraid to say no to him about anything, were you?

A. Nothing. Or anybody.

Q. Did he ever touch any of your private parts at all?

A. No.

MR. GOLDBERGER: Let's go off the record for a second.

(Discussion held off the record.)

MR. GOLDBERGER: Back on the record.

BY MR. GOLDBERGER:

Q. Did Mr. Epstein ever grab you in any way?

A. No. He never touched me physically.

Q. Great.

And he never tried to put your hand in any particular place?

1 A. No. I massaged his back, his chest and his
2 thighs and that was it.
3 Q. Okay. Now while you were with Epstein, did
4 he touch his penis at all?
5 A. No, he did not.
6 Q. Did he masturbate in front of you?
7 A. No.
8 Q. And you didn't touch his penis, I assume?
9 A. No.
10 Q. You didn't help him masturbate?
11 A. No.
12 Q. And certainly --
13 A. Sorry. He was too old.
14 Q. I hear you. And I'm sorry to ask these
15 questions that are so obvious.
16 A. It's your job.
17 Q. Mr. Epstein did not have any sex with you
18 in any way?
19 A. No.
20 Q. You didn't have any kind of oral sex with
21 him?
22 A. No.
23 Q. Okay. Did Mr. Epstein ever penetrate you
24 in any way with his finger or anything?
25 A. No.

1 Q. And I would assume based on what you've
2 been telling me, that Mr. Epstein never threatened you in
3 any way?
4 A. No.
5 Q. In fact, I think you described him as being
6 a nice guy, right?
7 A. He was a nice guy. I mean I'm not going to
8 sit here and actually defend him, because I know he was
9 wrong for some parts maybe in his case, but as far as I
10 go, it was -- he was not threatening me. He didn't make
11 me do anything that I didn't want to do. I said no if I
12 didn't want to do something and --
13 Q. So clearly, you were not afraid when you
14 were there or anything like that?
15 A. No.
16 Q. All right. And Mr. Epstein didn't offer
17 you drugs of any kind?
18 A. No.
19 Q. Okay. He didn't offer you any alcohol?
20 A. Nothing.
21 Q. And I think you told me already -- but
22 let's make sure we're clear on the record, -- you went to
23 Mr. Epstein's house one time and one time only, correct?
24 A. Correct.
25 Q. And that's the only time that you've ever

seen Mr. Epstein?

A. Correct.

Q. Okay. And you certainly never called the police as a result of this?

A. No.

Q. And you never contacted the State Attorney's Office?

A. No.

Q. Did Mr. Epstein ever contact you after the massage?

A. No.

Q. Okay. Had anyone that's associated with Mr. Epstein or did anyone associated with Mr. Epstein ever contact you after the massage?

A. No, besides [redacted] which was my best friend. I always talked to her. She asked if I ever wanted to go back again and I told her no. And she was just asking me that as a friend question, not to ask me if I was actually willing to go back over there.

Q. She wasn't speaking as a representative of Mr. Epstein?

A. Right.

Q. It was just a friend --

A. Right, just a friend conversation.

Q. Okay. Now before you went over there you

were told that you had to be 18 to go over to Mr. Epstein's house?

A. Yeah.

Q. Okay.

A. As I believe, I was 17, they told me to tell him that I was 19.

Q. Okay. So you were told to say that you were somewhat over 18?

A. Yes. [redacted] told me to say that I was 19.

Q. Okay. Do you remember whether you told Mr. Epstein whether you were 18 or 19?

A. I told him I was 19.

Q. I see. And you were not 19 yet at that time?

A. No.

Q. You were, I guess, 17?

A. I think 17.

Q. Okay. But you certainly wanted Mr. Epstein to believe that you were 18 years or older when you went there?

A. Yeah, because my interest was getting the money and clearing my debt.

Q. Okay. You certainly didn't want Mr. Epstein to say, "I'm not going to pay for a massage if you're under 18"?

A. Right. And I know he probably wouldn't if --

Q. Okay. And clearly, you had some debt based on what your boyfriend had done to you and you wanted to get paid for this massage?

A. Correct. He swiped out my bank account and I needed a way to come up with $200 that was over my bank. So I'd get paid 300. I put 200 in my bank and I believe I gave [redacted] a hundred for taking me.

Q. Given your debt situation, it was important to you to convince Mr. Epstein that you were over 18, because you wanted to do this job?

A. Correct.

Q. Gotcha. Okay.

Believe it or not -- let me just check with Ms. Sanchez, -- but I think I've got everything covered here.

A. I don't believe it was so much Epstein as it was the girls that were working for him, that were bringing in the service, because the girls were the ones telling everybody to lie, to bring in the business so that they could get paid. I know he was traveling them back and forth and renting them rental cars.

Q. So I think what you're telling me is that you really believe that Mr. Epstein was relying on what

the other girls were doing to make sure that the women that were brought --

A. For the most part, yes. I believe that -- I mean of course that this is what he wanted and this is what he set up.

Q. Uh-huh.

A. But I believe he had the girls doing all the work for him, so that they were the ones that were more getting in trouble for bringing in the business than him.

Q. But it's clear from what you saw the one time you were there, that Mr. Epstein was relying on others to make sure that the women that were brought over were over the age of 18?

A. Yeah; because he wasn't contacting me. And in other words, they were telling me to lie to him, to tell him that I was older, so I mean from what he knows, everybody was over-age.

Q. Correct.

Okay. You've understood all the questions I have asked you today, right?

A. Yes.

Q. Any questions about what I've asked you?

A. No.

Q. Okay. I really, really appreciate your

coming in here today. We got this done much quicker than if we had to go to the courthouse to do it.

A. Thank you.

Q. I didn't coerce you in any way to give any particular answers, did I?

A. No.

Q. All I asked you to do was tell the absolute truth?

A. I'm fine. That's good.

Q. And that's what you did, you told the truth?

A. Told the truth.

MR. GOLDBERGER: [redacted], thanks so much for coming in today. I appreciate it very much.

THE WITNESS: No problem.

MS. SANCHEZ: Thank you.

(Thereupon, the sworn statement was concluded at 12:15 p.m.)

- - -

1 THE STATE OF FLORIDA,)
2 COUNTY OF PALM BEACH.)
3
4
5 I, the undersigned authority, certify that
6 [redacted] personally appeared before me on the 21st
7 of March, 2008 and was duly sworn.
8
9 WITNESS my hand and official seal this 22nd day
10 of March, 2008.
11
12
13
14 Judith F. Consor, FPR
15 Notary Public - State of Florida
16
17
18
19
20
21
22
23
24
25

1 C E R T I F I C A T E
2

The State Of Florida,)
3 County Of Palm Beach.)
4
5 I, Judith F. Consor, Court Reporter and Notary Public in and for the State of Florida at large, do
6 hereby certify that I was authorized to and did stenographically report the sworn statement of JENNIFER
7 LADUKE; that a review of the transcript was not requested; and that the foregoing pages, numbered from 1
8 to 19, inclusive, are a true and correct transcription of my stenographic notes of said sworn statement.
9
I further certify that said sworn statement
10 was taken at the time and place hereinabove set forth and that the taking of said sworn statement was commenced and
11 completed as hereinabove set out.
12 I further certify that I am not an attorney or counsel of any of the parties, nor am I a relative or
13 employee of any attorney or counsel of party connected with the action, nor am I financially interested in the
14 action.
15 The foregoing certification of this transcript does not apply to any reproduction of the same by any
16 means unless under the direct control and/or direction of the certifying reporter.
17
DATED this 22nd day of March, 2008.
18
19
20 Judith F. Consor, Court Reporter
Florida Professional Reporter
21
22
23
24
25

[redacted]

[redacted]

[redacted]

[redacted]

TAB 6

1 IN THE CIRCUIT COURT OF THE FIFTEENTH JUDICIAL CIRCUIT
IN AND FOR PALM BEACH COUNTY, FLORIDA
2 STATE OF FLORIDA

3 STATE OF FLORIDA,

4 vs.

5

JEFFREY EPSTEIN,
6 Defendant.
7 _____

8

9 TRANSCRIPT OF TAPED STATEMENT OF [redacted]
10 4-24-07

11

12

13

14

15

16

17 Transcribed by:
Vicki S. Woodham, Court Reporter
18 Notary Public, State of Florida
Consor & Associates
19 1655 Palm Beach Lakes Boulevard, Suite 500
West Palm Beach, Florida 33401
20 Phone - 561.682.0905

21

22

23

24

25

(Taped statement as follows:)

AGENT RICHARDS: This is Special Agent Jason Richards with the FBI along with Special Agent Nesbit Kirkendul and Assistant United States Attorney Marie Bilafonia here to conduct an interview with Ms. [redacted] Also present is her attorney, Jim Eisenberg and Carrie Sheehan.

MR. EISENBERG: And we are here -- This is Jim Eisenberg and my investigator, Ms. Sheehan is here. And we're here pursuant to a subpoena that was served on me for [redacted] and that's why we're here. So Ms. Bilafonia, it's your show.

MS. BILAFONIA: Okay, great.

AGENT RICHARDS: I also want to add that the date is 4-24-07, and the time by my watch is 4:21 p.m.

BY AGENT RICHARDS:

Q. [redacted] we just want to start off and I'll lead off first. We just want to get some basic info about you, simple stuff. I've got your date of birth as [redacted] is that correct?

A. Yes, sir.

Q. I just want to get like your basics like that stuff first. Your current address?

A. [redacted]

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[redacted]

Q. You have a cell phone or --

A. [redacted]

Q. And home phone?

A. Only cell.

Q. Only cell, okay. Now have you had other cell phone numbers in the past and do you know any of those?

A. [redacted] that's the only one I can remember.

Q. Okay. But you had some others?

A. Uh-huh.

Q. Okay.

BY MS. BILAFONIA:

Q. Who's your service provider?

A. Metro.

Q. Metro. And for that other number as well?

A. Yes.

BY AGENT RICHARDS:

Q. Where did you go to high school?

A. [redacted]

Q. And what year did you graduate?

A. [redacted]

Q. What year was that that you dropped out, do you remember?

A. No.

Q. What year were you supposed to graduate, your

class?

A. [redacted]

Q. Okay.

A. I had got my GED.

Q. When did you get that?

A. About three months ago.

Q. And are you going to college anywhere currently?

A. Not right now.

Q. Plans?

A. I have plans.

BY MS. BILAFONIA:

Q. Where are you thinking about going?

A. I'm not positive what I want to do. There's a lot of things on my mind, but right now I'm focusing on my son. I have a two year old so right now I'm just working.

AGENT RICHARDS: He's a handful?

THE WITNESS: Yeah.

AGENT RICHARDS: I have one, too.

THE WITNESS: Yeah. So in the future, I'm definitely going to go to college. I'm going definitely going to go to school. But I have, you know, a modeling career going on right now that's

25 hopefully going to -- some of you will notice me,

1 hopefully, and that would be great, but I don't
2 know.
3 BY MS. BILAFONIA:
4 Q. Where else are you working?
5 A. I work for Advanced Cleaning Systems. They
6 clean carpets.
7 AGENT RICHARDS: Advanced what was it?
8 THE WITNESS: System Cleaning.
9 BY MS. BILAFONIA:
10 Q. And where are they located?
11 A. Las Palmas, 11 Swanee, S-w-a-n-e-e, Swanee
12 Drive.
13 Q. Are you working in an office there or do you go
14 out to people's homes?
15 A. I work in an office there.
16 BY AGENT RICHARDS:
17 Q. Obviously, you know why we're here and what we
18 want to talk about. So let me just kind of lead into do
19 you know Jeffrey Epstein?
20 A. Yes.
21 Q. Yes, of course, you do. Now when did you meet
22 Jeff? Does he go by Jeff or Jeffrey or --
23 A. Jeffrey.

24 Q. Okay. When did you meet him and who introduced
25 you to Jeffrey?

1 A. My girlfriend, [redacted], introduced me to
2 Jeffrey.
3 Q. Do you know her last name?
4 A. No. She was a friend of one of my friends, so
5 I really didn't know her.
6 BY MS. BILAFONIA:
7 Q. When was that?
8 A. I really couldn't tell you. I don't even
9 remember. It's been so long ago.
10 BY AGENT RICHARDS:
11 Q. So [redacted] introduced you to him. Was it at a
12 party setting or how did you guys meet?
13 A. No. She came to me and she said hey, would you
14 like to make a couple dollars and I said sure. I said
15 doing what? She said, Well, I know this Jeffrey. He
16 lives on Palm Beach Island and I bring girls there and he
17 likes massages and I was like okay. So I asked her, I
18 said well, what about my age? And she said well, just
19 make sure that you tell him that you're 18. And I had a
20 fake ID at the time and we went there.
21 Q. Okay. And about what time period was it that

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22 you went over there first, do you remember?
23 A. What time period?
24 Q. Yes. As far as what year was that that you
25 were in school?

1 A. I was 16.
2 Q. Sixteen.
3 BY MS. BILAFONIA:
4 Q. Were you a freshman or a sophomore, do you
5 remember?
6 A. I couldn't tell you. I couldn't tell you.
7 Probably a sophomore.
8 Q. Now you said that [redacted] told you that he
9 likes massages. Did she elaborate on what types of
10 massages?
11 A. She said sometimes he likes topless massages,
12 but you don't have to do anything you don't want to do.
13 He just likes massages.
14 Q. And do you know whether [redacted] had given him
15 massages?
16 A. Yeah, she said she's done it before.
17 Q. And do you know whether [redacted] had taken any
18 other girls over to see Jeffrey?
19 A. Yes, she probably did.
20 Q. Did she tell how much you would make?

21 A. Yes.
22 Q. What did she tell you?
23 A. We go there and we make $200 in 30 minutes.
24 Q. Now you said that you asked her, you know, what
25 -- do I need to be worried about my age. Why did you ask

1 her that?
2 A. Because I don't want to be -- you know, it was
3 like I was underage and I was young and I was pretty
4 stupid and I didn't want to get -- I didn't want to get
5 in trouble, so I always made sure -- I had a fake ID,
6 anyways, saying that I was 18. And she just said make
7 sure you're 18 because Jeffrey doesn't want any underage
8 girls.
9 BY AGENT RICHARDS:
10 Q. Now [redacted] did she -- where did you meet her
11 at? In school? What setting?
12 A. I was at a friend's house, my girlfriend's
13 house. I don't know what girlfriend's house it was.
14 Everybody was just hanging out. And she said -- she came
15 up to me and she asked me. She said, do you want to make
16 a couple bucks and I said sure.
17 Q. And after the first time that she took you over
18 there to meet Mr. Epstein, did she ever call you again to

19 set up any appointments with him or anything like that?
20 A. No.
21 Q. Did she ever call you on the phone is what I'm
22 asking?
23 A. No, I gave Jeffrey my number. And I said, you
24 know, any time you want me to give you a massage again,
25 I'll more than welcome to.

1 BY MS. BILAFONIA:
2 Q. So [redacted] took you that first time, but then
3 after that you communicated directly with Jeffrey?
4 A. Uh-huh.
5 Q. Tell us about that first time that you went to
6 his house. Who -- how did you get there?
7 A. One of [redacted]'s friends and they dropped us
8 off and then we went. You know, we got escorted up to
9 the massage room and he told me everything. He said,
10 Listen, I like massages. And we had the whole massage
11 table laid out, the lotions and everything. And she was
12 in there for the first like five minutes. And the first
13 time I gave him a massage, she left the room and I gave
14 him a massage. And she told me, she says he likes women
15 topless massages. So I willingly the first time took off
16 my top when I gave him a massage and nothing more than
17 that. It was just a back massage and neck massage and I

18 was out of there.
19 Q. Okay. Let me just ask you a couple of
20 follow-up questions. You said that someone escorted you
21 up to the room. Do you know who that was?
22 A. One of -- what's her name? Actually, [redacted]
23 [redacted] just said, you know, it's up there and she just told
24 me where it was.
25 Q. And then you said that you and [redacted] went

1 upstairs together?
2 A. Uh-huh.
3 Q. And [redacted] stayed in there for the first few
4 minutes?
5 A. Uh-huh.
6 Q. Was Jeffrey already in the room by the time
7 [redacted] left?
8 A. Yeah, he was in the room.
9 Q. Okay. Was he there when you guys showed up in
10 the room or did he come in after you were already there?
11 A. He was in the room already.
12 Q. And you said that you took your top off. Did
13 anybody ask you to take it off, like did [redacted] say it's
14 time for you to take it off?
15 A. No, she wasn't in the room.

16 Q. By the time you took it off, okay.
17 A. I said, I told Jeffrey, I heard you like
18 massages topless. And he's like, yeah, he said, but you
19 don't have to do anything that you don't feel comfortable
20 with. And I said okay, but I willingly took it off.
21 Q. Okay. And during that first massage, you said
22 that you gave him a shoulder and neck massage?
23 A. Neck, back, shoulder, yeah.
24 Q. Was he face down the entire time that he got
25 his massage?

1 A. Yeah.
2 Q. And what did you do during the massage? Did
3 you talk or --
4 A. Yeah, we talked.
5 Q. And what would you talk about with him?
6 A. Well, we were just getting to know each other.
7 We talked about how my lifestyle was, what he did for a
8 living and just all positive things, really nice things.
9 Q. Okay. What was he wearing when you first came
10 in the room?
11 A. I'm sorry. When he first -- when he first came
12 in the room, he was fully clothed. And then he said, you
13 know, wait a second. I'm going to go on the massage
14 table and he put a towel over him just like a normal

15 masseuse would do.

16 Q. Did he undress and put a towel around him?

17 A. Uh-huh.

18 Q. Okay.

19 A. Yeah, I didn't see anything. It was just back,

20 neck and shoulders.

21 Q. And after the massage was over, you received

22 the $200?

23 A. He gives money right away.

24 Q. I'm sorry. Was that before you started the

25 massage or after the massage he gave you?

12

1 A. The first time, he gave me the money right

2 away.

3 Q. Okay. And he's the person that paid you the

4 $200?

5 A. No, it's always [redacted]

6 Q. [redacted] gave you the money?

7 A. Uh-huh.

8 BY AGENT RICHARDS:

9 Q. What's [redacted]'s last name, do you know?

10 A. I don't know.

11 MR. EISENBERG: You can't look at papers. If

12 you think you know, you know. If you don't know, --

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13 THE WITNESS: No, I don't know. I don't know
14 [redacted]'s last name. He does.
15 BY MS. BILAFONIA:
16 Q. Okay. The only thing I'm confused about is you
17 said that [redacted] didn't even take you upstairs. She just
18 told you where you should go?
19 A. Uh-huh.
20 Q. So when did she pay you the money?
21 A. She paid me then and there when I first walked
22 in the door, me and [redacted]
23 BY AGENT. RICHARDS:
24 Q. She paid you before you went upstairs?
25 A. Yes.

1 BY MS. BILAFONIA:
2 Q. And how much was [redacted] paid?
3 A. Everybody got paid $200.
4 Q. And after -- So after the massage was finished,
5 you said that you had already been paid. Who asked you
6 for your name and telephone number?
7 A. Jeffrey said, Well, I'd like to see you again.
8 Can I have your number? From what I remember, I'm pretty
9 sure he asked me for my number and I gave him my number.
10 Q. Okay.
11 BY AGENT RICHARDS:

12 Q. Did he write it down upstairs? He had a pen
13 handy, I hope?
14 A. Uh-huh.
15 BY MS. BILAFONIA:
16 Q. On that first massage, you said that you worked
17 on him topless. But when you first started, did you take
18 -- what were you wearing?
19 A. I was wearing a shirt, a normal shirt and
20 jeans. And I started to do a massage and I said well, I
21 heard you like topless massages. And, of course, he
22 thought I was 18. And he's like yeah, I do. I prefer
23 that. And who wouldn't, you know? So I said okay and I
24 took it off.
25 Q. And you took off your bra as well?

1 A. Yes.
2 Q. And you left your jeans on?
3 A. Yes.
4 Q. Okay. So you gave him a massage. Did he
5 request you do anything special in the massage?
6 A. No.
7 Q. And he never turned over in that first massage?
8 A. No.
9 Q. So you said that that day you gave your name

10 and number to Jeffrey. When was your next contact from
11 him or anybody who worked for him?
12 A. The next day, he had called me and he said
13 would like to come out again and I'd like to see you
14 again. I said sure. I took a taxi there and I went
15 there again.
16 Q. The following day?
17 A. The next day.
18 Q. Okay. And you said that Jeffrey is the person
19 who called you for that appointment?
20 A. No, Jeffrey did not, no. [redacted] actually
21 called me. From what I remember, [redacted] actually called
22 me.
23 Q. Okay. And she said Jeffrey says he wants to
24 see you again?
25 A. Yes.

1 Q. And then you said you took a taxi?
2 A. Yes.
3 Q. Is that how you would normally get to and from
4 his house?
5 A. Uh-huh, if I didn't have friends because I
6 don't drive, yeah.
7 BY AGENT RICHARDS:
8 Q. How did you get home the first time when

9 [redacted] took you over? Did she get a taxi?
10 A. No, our friend came back and picked us up.
11 Q. Which friend was that?
12 A. His name was Brian. I don't know his last
13 name. I really didn't know [redacted] and I didn't know her
14 friends or whatever, but I met Jeffrey. And once I met
15 Jeffrey, he was a very awesome guy and I just -- I don't
16 know. I ended up giving him my number so I could -- I
17 didn't want [redacted] or Brian to drive me anymore. I
18 would rather go to him on my own.
19 BY MS. BILAFONIA:
20 Q. When you would take the taxis to and from,
21 would he pay for them?
22 A. Uh-huh.
23 Q. And he would pay when you arrived?
24 A. Uh-huh.
25 Q. And then he would just give you extra money

1 when you left to pay for the taxi?
2 A. No, no. I never asked him for extra money, so
3 I just paid for my own taxi.
4 Q. Okay. So from the money that he paid you for
5 the massage?
6 A. Two hundred, yeah.

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7 Q. Where were you living at the time?

8 A. I was living at [redacted] It's

9 located on [redacted] So I would take, you know,

10 straight [redacted] down to where I lived.

11 Q. Do you remember about how much that taxi fare

12 was each way?

13 A. Twenty dollars.

14 Q. And did you always use the same taxi service

15 or --

16 A. No, I used different taxis all the time, so --

17 Q. And you would just call and have them come to

18 your house?

19 A. Uh-huh. I used a whole bunch of different

20 taxis, whatever is available.

21 Q. So you mentioned that the second massage, was

22 it any different than the first one?

23 A. Yes.

24 Q. How was it different?

25 A. When I went there, I went there by myself. And

1 I went up to the massage room and Jeffrey was just like

2 regular like he was before on his stomach and he had a

3 towel over and we started the massage and I had my top

4 off willingly. And after the massage, he asks me the

5 whole time. He says, Are you comfortable with me doing

HOUSE_OVERSIGHT_012298

6 this and I said yes and he turned around. And this was
7 like at the end of the massage, our 30-minutes massage,
8 usually it was even shorter than that. And he
9 masturbated at the end of the massage and it was like two
10 seconds and I was just topless.
11 Q. And when he turned over, then did he touch you
12 at all or was he just --
13 A. No. I did not touch him. He did not touch me.
14 He didn't even want --
15 Q. You didn't like continue the massage while he
16 was masturbating or anything?
17 A. No.
18 Q. Okay. I cut you off. You said he didn't even?
19 A. He didn't want me to touch him and he didn't
20 touch me at all.
21 Q. Did he ever ask you to rub his chest or rub his
22 nipples during the massage?
23 A. Actually, later on -- because I saw him for a
24 long time. Later on, I asked him, you know, and I asked
25 him -- I would give him -- you know, I would rub his

18

1 chest or whatever and massage him while he was
2 masturbating, yeah.
3 Q. So eventually you would continue the massage

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4 and he would masturbate at the same time?

5 A. Yeah, but it wasn't on his lower area.

6 Q. No, you never touched his penis?

7 A. Right.

8 Q. Okay. So that was during the second massage.

9 You were paid $200 again?

10 A. Always.

11 Q. Always? Every time you went there?

12 A. Always.

13 BY AGENT RICHARDS:

14 Q. Was it always [redacted] that paid you?

15 A. Sometimes Jeffrey would and sometimes [redacted]

16 would.

17 BY MS. BILAFONIA:

18 Q. Was it usually before or after the massage?

19 A. After the first time, it was always after. I

20 would go downstairs and I'd get paid.

21 Q. So just sort of tell us, when a massage ended,

22 which I assume was after he ejaculated?

23 A. It wasn't all the time that he did, though.

24 Q. Okay.

25 A. It wasn't like every time we went there he

1 released. Sometimes he just wanted his feet massaged.

2 Sometimes he just wanted a back massage.

3 Q. Okay. But when the massage was over however it
4 ended, you would just get dressed and go downstairs by
5 yourself or did take you downstairs?
6 A. Yeah. The chef would make us food and it'd be
7 great. And Jeffrey would get dressed and he'd come down
8 with us sometimes or, you know, it wasn't -- we had fun.
9 It was all positive.
10 Q. Okay. How many massages do you think that you
11 gave Jeffrey?
12 A. I gave Jeffrey a lot of massages. I can't tell
13 you. I saw him for a good year.
14 Q. And how many times -- would you see him weekly
15 or more than once a week?
16 A. Yeah.
17 Q. More than once a week?
18 A. I personally would or I'd bring girls.
19 Q. Okay. But either you would or either a girl
20 that you brought?
21 A. Yeah, uh-huh.
22 Q. Okay.
23 A. But after a while, it wasn't me anymore. I had
24 brought girls, but I got paid $200 to bring girls.
25 Q. Okay. So let's talk just about when you were

1 performing the massages. What other sorts of things
2 would happen? You said that sometimes he would just like
3 his feet massaged. What else would happen during those
4 massage sessions?
5 A. Nothing. Everything I told you.
6 Q. Okay. So sometimes a back massage?
7 A. Sometimes he liked back massages. Sometimes he
8 like feet massages. Sometimes he like his head massaged.
9 He liked his head massaged a lot. Sometimes leg
10 massages, yeah. And it wasn't every time that we went
11 there he masturbated.
12 Q. Okay. Any idea half and half or less than half
13 the time that he masturbated?
14 A. Less the time he masturbated.
15 Q. Did you always perform topless? Did you ever
16 get completely naked towards the end or in the middle and
17 remove all of your clothing?
18 A. I would wear panties. Willingly one time
19 because we were making jokes and everything and willingly
20 one time I had, yes, I was totally nude, but I was fine
21 with it.
22 Q. Okay.
23 A. Totally fine with it.
24 Q. And how did that massage go?
25 A. Actually, it was a foot massage and he was

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1 sitting on the couch. We didn't even have the massage
2 table out and I gave him a foot rub and I was nude.
3 Q. And how much were you paid for that?
4 A. Two hundred every single time.
5 Q. Did he at any point kiss you, touch you, show
6 any kind of affection towards you?
7 A. Never, never.
8 Q. Okay.
9 BY AGENT RICHARDS:
10 Q. Why not?
11 A. Why not? Why would he?
12 Q. You seem like a nice young lady, attractive.
13 He never had any urges to --
14 A. I asked him, I said, When are you going to get
15 married? When are you going to get married, Jeffrey? He
16 said, I'm never getting married. He has, you know,
17 beautiful women all the time. Why would he -- no,
18 huh-uh.
19 BY MS. BILAFONIA:
20 Q. He never pulled you closer to him in a sexual
21 way?
22 A. I wish. No, no, never, ever, ever, no, never.
23 Jeffrey is an awesome man, no.
24 Q. Okay. Now you said that at some point you
25 started bringing other girls over?

HOUSE_OVERSIGHT_012303

A. Uh-huh.

Q. How did that start?

A. He likes to see different faces.

Q. So he asked you if you had friends that you could bring over or other girls?

A. Uh-huh.

Q. And how did you decide who you would ask to come over?

A. All of my good-looking girlfriends and if they had friends. It's all about, you know, we were just making money and Jeffrey is an awesome guy. We just, you know -- I would tell my girlfriends just like [redacted] approached me. Make sure you tell him you're 18. Well, these girls that I brought, I know that they were 18 or 19 or 20. And the girls that I didn't know and I don't know if they were lying or not, I would say make sure that you tell him you're 18.

Q. Okay. What exactly would you tell them about what would happen after you got to the house?

A. I said he likes massages, but he prefers topless massages. But if you're not comfortable, then don't do it and it won't matter.

Q. And did any of them tell you what happened after that?

A. Always, always, I even asked them.

HOUSE_OVERSIGHT_012304

Q. Okay. And with the other girls, was it the same as what you did or different?

A. Yeah, yeah. I mean, well, I was more willingly to do more, you know. Like I said, I went nude for him one time. But the other girls, they practically were topless and that's all that they were willing to do. Some girls didn't want to go topless and Jeffrey didn't mind.

Q. Were there girls that you brought back multiple times?

A. A couple, a couple, but he really liked to see different faces.

Q. Okay. I'm just wondering are there some girls he really liked and others he didn't like or did he have any preferences in terms of blondes, brunettes?

A. He liked girls like me.

Q. Okay. Thin and attractive?

A. I guess. Yeah, very attractive women. And he didn't say girls. He said women all the time.

Q. Did you ever bring anybody he didn't care for?

A. Huh-uh.

Q. Yeah?

A. Yeah.

Q. How was she different than the others?

A. Black. I screwed up.

Q. How did you know you screwed up?
A. He doesn't like black women, obviously.
Q. So he let you know? He told you that?
A. Yeah, but he was still nice and he still gave her her 200 even though he didn't even have a massage by her.
Q. How did he -- he paid you $200 for bringing each girl?
A. Uh-huh.
Q. And when he told you that, I mean, that's what he told you that he would pay you $200 for bringing the girls?
A. Yeah. He said if you bring me -- if you bring me girls, I'll definitely, you know, give you money, compensate you for your time and willing to do that for me, yeah.
Q. And you said at that point you stopped performing massages for him?
A. At that point, I didn't -- it would be sporadically like. Usually, I had so many girlfriends at the time that, you know, there were some new faces to be saw. And if no one was available, then [redacted] would go.
Q. I got you.
A. So --
Q. Do you know some of the girls that you brought,

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some of the their names?

A. I don't remember, really. They were like not even friends. They were just associates, you know. If anything, they'd be friends of friends, so no.

Q. We have -- I don't know. We have some messages I guess that some girls' names that would call Jeffrey and leave a massage. There's some girls names that are referenced. We were just wondering if you knew them?

A. If you name them, I can probably remember.

MS. BILAFONIA: Jason, do you have that?

BY AGENT RICHARDS:

Q. [redacted] is one.

A. I don't know [redacted] Do you know her last name?

MS. BILAFONIA: We were hoping you did.

THE WITNESS: No, I don't.

BY AGENT RICHARDS:

Q. [redacted]?

A. [redacted]? No, that sounds like a black girl's name.

Q. Well, you brought a black girl. What was her name?

A. I don't know. Don't ask me.

Q. [redacted]?

25 A. [redacted], [redacted] yeah, I brought [redacted].

1 Q. Who is she? Tell us about [redacted].
2 A. Sabrina, we look just alike, if that's the girl
3 I'm thinking about. We went to school together and I
4 brought her one time and then she ended up moving so she
5 couldn't come with me.
6 Q. Were you guys in the same grade or --
7 A. No, she was older than me.
8 Q. A year or two?
9 A. She was -- Actually, she was like 18. I don't
10 know. She was older. She was like, you know, two ranks,
11 two grades ahead of me.
12 Q. So when you were a sophomore, she was a senior?
13 A. I just met her in school and I told her.
14 BY MS. BILAFONIA:
15 Q. What was her last name?
16 A. I don't know.
17 BY AGENT RICHARDS:
18 Q. Do you know where she lived? A. I just
19 met her in school and I told her about it.
20 Q. You told her about it at school? Is that where
21 your discussion was or --
22 A. Well, I said give me your number. I said you
23 can make a couple of dollars. It's real easy. And if

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24 you're comfortable with it, give me a call.

25 Q. Was that at school or at a party?

1 A. No, at school.

2 Q. At school. You're not sure what her last name

3 was?

4 A. I have no idea.

5 Q. Do you know where she lived or anything like

6 that, what car she drove?

7 A. No.

8 Q. What'd she look like?

9 A. What she looked like?

10 Q. Yeah.

11 A. Like me, everything, [redacted] hair, [redacted] eyes.

12 (Start Side B of tape.)

13 AGENT RICHARDS: Time recorder is being

14 restarted is approximately 4:50 p.m

15 BY MS. BILAFONIA:

16 Q. We were talking about [redacted] You were at

17 [redacted] at the time?

18 A. No, I was at [redacted].

19 Q. [redacted], okay.

20 A. And that's where [redacted] went to school.

21 Q. What about a girl named [redacted]?

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22 A. [redacted] 2007-04-25 [redacted] TXT who?

23 BY AGENT RICHARDS:

24 Q. Did you bring a [redacted]?

25 A. I brought a couple [redacted]

1 Q. I want to know about every one you brought.

2 A. Well, one of them died recently, so --

3 Q. What was her name? In a car accident or

4 something?

5 A. No, she died. Unfortunately, she got shot in

6 the head. You guys probably heard it on the news. She

7 got shot in the head by this guy. I don't want to even

8 talk about it because I'll cry.

9 BY MS. BILAFONIA:

10 Q. Let's talk about the other [redacted].

11 A. I don't even know. I don't know. I don't

12 know. There were some girls that just I would take one

13 time and then I would never talk to again, so I don't

14 know.

15 Q. How many girls do you think you brought to

16 Jeffrey's house?

17 A. That's a good question. I bring a lot, like

18 maybe -- I don't know, maybe 30, maybe 30. It was all

19 about the money to me at that time.

20 Q. Now any of the girls that you brought, did any

21 of them leave their names and numbers and then they would
22 get appointments directly from Jeffrey or did they always
23 go through you?
24 A. They went through me, hopefully.
25 Q. So you don't know?

1 BY AGENT RICHARDS:
2 Q. You weren't getting paid, right?
3 A. I told them, I said, Don't give him your
4 number.
5 BY MS. BILAFONIA:
6 Q. If you brought the same girl more than once,
7 would you get paid each time you brought them or just get
8 the initial $200?
9 A. Every single time I brought a girl, okay, or I
10 referred a girl, I always got $200, always.
11 Q. Even if she came a second time?
12 A. Yes.
13 Q. You would get $200 every time she came?
14 A. Yes.
15 Q. Good deal. Okay. What about [redacted]?
16 A. [redacted] who?
17 Q. Any [redacted] that you brought to Mr. Epstein's
18 house.

A. I brought a [redacted]

Q. [redacted]. Where did she go to school?

A. She didn't go to school.

Q. Okay. How did you know [redacted]?

A. [redacted] been my -- she's my friend in the past. How did I meet [redacted], at a party or she was my -- Actually, she was my baby's father's girlfriend at the

time and I met her at a party.

Q. You asked her if she'd be willing to go to Jeffrey's house?

A. Uh-huh.

Q. And when -- do you remember when that would have been?

A. Actually, a couple weeks, a couple weeks. I do remember her. A couple weeks after I met him.

Q. So you brought her pretty soon after you met Jeffrey?

A. Uh-huh.

Q. And how old was [redacted]?

A. Seventeen, 17.

Q. And what happened when you brought [redacted]?

A. The same thing.

Q. Okay. Well, I know that sometimes you said that the girls would tell you what happened?

18 A. She went in there. She had a massage -- she
19 gave a massage on his back. She went a couple times. He
20 liked her. She went a couple times. The first time she
21 told me that he didn't -- it was just like me the first
22 time. He didn't climax at all, nothing happened. It was
23 just a massage. And then she went, I think, like two
24 times after that. And yeah, he masturbated, but no
25 touching. She didn't -- there's no touching of him. No

1 touching of her. None of my girls ever had a problem and
2 they'd call me. They'd beg me, you know, for us to go to
3 Jeffrey's house because they love Jeffrey. Jeffrey is a
4 respectful man. He really is. I mean, and he all
5 thought we were of age, always. This is what's so sad
6 about it.
7 Q. How would -- how would you make appointments
8 for girls to go over there?
9 A. I'd call them and they'd say hi, do you want to
10 go to Jeffrey's house? And they'd say yes or no and we'd
11 call a taxi.
12 Q. How would you know when Jeffrey was going to be
13 in town?
14 A. When Jeffrey was in town, [redacted] would call me.
15 Q. Did she always call when they were already in

16 town or would she -- how far in advance would she call
17 you?
18 A. They only called me when they were in Palm
19 Beach. They never called me from anywhere. They've
20 never called me from anywhere else. It was always when I
21 was in Palm Beach. They'd say hi, we're down here. If
22 you want to come and see Jeffrey, you're more than
23 welcome to.
24 Q. So you wouldn't have like a specific time when
25 you would go over, like be here at 11 or be here at two?

1 A. Well, I'd tell them, I'd say -- well, I mean,
2 I'd have to work around his schedule. He'd have to work
3 around mine. Yeah, we'd say I'll be there at three.
4 I'll be there at four, whatever.
5 Q. Do you -- I know that you said you talked to
6 [redacted] on the phone. Was there anybody else that you would
7 talk to on the phone?
8 A. If Jeffrey wasn't there like if I'd call him to
9 see how he was doing or whatever, you know, he had -- his
10 chef would answer the phone. His maid would answer the
11 phone. That's --
12 Q. But was [redacted] the only one you talked to about
13 making appointments?
14 A. Uh-huh, yeah. Well, yeah, if Jeffrey wasn't

15 available, they'd, you know, he said, the chef or you
16 know, whoever, said Jeffrey will get back to you. Yeah,
17 [redacted] made the appointments.
18 Q. So when you were calling to talk to Jeffrey,
19 you were calling the house phone over in Palm Beach?
20 A. Uh-huh, yeah.
21 Q. And how often would you talk to Jeffrey on the
22 phone as opposed to talking to one of his assistants?
23 A. Me and Jeffrey hardly ever talked on the phone.
24 He was always busy. It was mostly [redacted] We'd talk when
25 I would get there, you know. So it was like hey, do you

1 want to come in? Yes, cool, you know. Come there, no,
2 cool, bye.
3 Q. Do you know someone who works for Jeffrey named
4 [redacted]?
5 A. I think I met her one time.
6 Q. And what do you know about her?
7 A. She was there. And the person [redacted], I think,
8 I'm not positive, okay. I'm pretty sure she said that
9 she's from New York and she travels with Jeffrey, but I
10 think I met her one time, if that's the girl that rings
11 the bell, you know, in my head. Nadia I think is that
12 one person I met one time.

13 Q. Now you said that you had teased Jeffrey about
14 whether he was getting married. Did you ever know him to
15 have a girlfriend or a steady?
16 A. No, he told me he's never been married. He's
17 never had a girlfriend and he doesn't want to have a
18 girlfriend.
19 Q. Were you ever asked to bring a girl for someone
20 else like to give a massage to somebody else or to anyone
21 other than Jeffrey?
22 A. No. I gave [redacted] a massage before.
23 Q. And how often did that happen?
24 A. I only gave [redacted] a massage like once or twice,
25 once or twice, not that often.

1 Q. But anybody else, either any friends that were
2 in town or --
3 A. No. See, my mother is a masseuse and I have
4 experience massaging and he always liked my massages. So
5 he told [redacted] about my massages and she said, yeah, I want
6 a massage so I'd go over there. I think it was one or
7 two times and I gave her a massage.
8 Q. Now when the girls were upstairs with Jeffrey
9 in the bedroom, what would you do?
10 A. The chef would make me carved tomatoes, put
11 some crab meat in it and I'd just eat, wine and dine. It

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12 was wonderful, great.

13 Q. And when you would talk to the chef --

14 A. Yes.

15 Q. -- would anybody else from the house be there?

16 A. Yes. I don't know their names. I can't

17 remember. There were like all these foreign girls from

18 -- like they're beautiful, beautiful models that are from

19 different -- they have accents. And no, but it was real

20 interesting because we'd talk. And, you know, I'd learn

21 a lot from them and they'd learn a lot from me just being

22 American. And no, every time I went there it was a good

23 time. And I usually just ate or I'd go and suntan or

24 something near the pool.

25 Q. And how long you would the other girl be

1 upstairs normally?

2 A. Twenty, 25, 20 to 30 minutes.

3 BY AGENT RICHARDS:

4 Q. Back to [redacted], is there anything else

5 about her that you can remember? You were friends with

6 her. She went three times, you think? Did she go back

7 without going through you to set up any appointments that

8 you know about?

9 A. I don't know.

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10 Q. Okay. Were there any other [redacted] that you
11 brought? I know you brought other [redacted] or multiple
12 Britanys.
13 A. Yeah. I don't know. If you would say like a
14 last name, then I would probably remember, but I don't.
15 Q. Any [redacted]? Did you bring a [redacted]?
16 A. [redacted], yeah, that sounds familiar. Yeah, [redacted]
17 [redacted] yeah.
18 Q. [redacted]?
19 A. Uh-huh.
20 Q. What can you tell me about her? How old was
21 she?
22 A. She's older than me.
23 Q. Do you know her from school or --
24 A. No. Where did I meet her? I met her in my
25 neighborhood and I asked her if she wanted to go and

1 yeah, [redacted]. She was only there one time, though.
2 Q. Did she tell you how it went with him upstairs?
3 A. Yeah.
4 Q. What'd she say?
5 A. She said -- she's like ah, I don't know.
6 Q. She freaked out or something?
7 A. No, no, but he didn't want her again. He likes
8 tall, slender and she was like short.

9 Q. What did she say about him?
10 A. She had fun.
11 Q. She had fun?
12 A. Uh-huh.
13 Q. What did she say happened up there?
14 A. She was topless and just gave a massage. He
15 didn't, you know, climax or anything.
16 BY MS. BILAFONIA:
17 Q. Did you ever, either when you gave him a
18 massage or any of the girls, did you ever use a big back
19 massager or it was only manual massage?
20 A. No, it was only my hands. We never used
21 anything else.
22 Q. Now when you were working for him, when you
23 were going over to Jeffrey's house to give massages, did
24 you have a boyfriend?
25 A. Yeah, yeah.

1 Q. Okay. How did he feel about you going to
2 Jeffrey's house?
3 A. He was a jealous little boy, but he didn't
4 care. Bring home the bacon.
5 Q. What's your boyfriends?
6 A. [redacted].

HOUSE_OVERSIGHT_012319

7 Q. Now I know you that you mentioned that you had
8 a baby. Is that the baby's father?
9 A. No, no, thank God.
10 Q. Who is the baby's father?
11 A. [redacted]
12 Q. Okay, [redacted]. And were you still going
13 to Jeffrey's when you were pregnant?
14 A. I would bring girls there when I was pregnant.
15 Q. So did -- so did [redacted] have concerns about
16 what you were doing at Jeffrey's house?
17 A. No, he talked to Jeffrey over the phone.
18 Jeffrey actually threw me my baby shower and he got me
19 furniture and a nice rattle for my son and just really
20 nice things, I love mommy frames.
21 Q. Was the shower at his house and did he attend?
22 A. No, no, at my house, at my house. And no,
23 Jeffrey wasn't there. He just sent [redacted] to bring me
24 gifts for the baby.
25 Q. Oh, okay.

1 BY AGENT RICHARDS:
2 Q. Did [redacted] ever go over there with you?
3 A. No.
4 Q. He stayed away.
5 A. No, he didn't go, no.

6 BY MS. BILAFONIA:
7 Q. Did Jeffrey ask you about boyfriends? I mean,
8 was he curious about --
9 A. Yeah, we always talked about everything, yeah.
10 Do you have a boyfriend, yeah, no, you know. We talked
11 like friends. I don't know. Just about our life
12 stories. You know, he probably knows my whole life
13 story.
14 BY AGENT RICHARDS:
15 Q. Now do you still have contact with him or --
16 A. Who?
17 Q. Jeffrey.
18 A. No, no one's allowing me.
19 BY MS. BILAFONIA:
20 Q. Did he know that you wanted to be a model or
21 that's what you were aspiring to be?
22 A. Yes, I told him. Yes, I've always wanted to be
23 a model, yes.
24 Q. Did he ever say he'd help you?
25 A. Uh-huh, yeah. And I was -- like I said, I was

1 16 at the time and I felt -- like he said, you know, you
2 can -- I will definitely take you and bring you to New
3 York and everything because he had models there, but I

4 always turned it down because I was 16 and I didn't want
5 that to get out.
6 Q. What did you say to him? How did you put him
7 off?
8 A. I don't know. Oh, well, I don't know. No, he
9 wasn't like begging me or anything. He asked me a couple
10 times and I said -- I just -- there was like no say about
11 it. I just -- I didn't go. And it wasn't like he asked
12 me all the time. He just it's a couple times he asked.
13 He said I'll bring you to New York or whatever we do and
14 we can, you know, try to fulfill your dreams, but I
15 always said no because I was young and I didn't want to
16 screw up the 18 thing.
17 Q. Did -- when you got pregnant, did he react in
18 any way? I mean, did he tell you if you want to be a
19 model, you know, this is going to mess with your chances
20 as a model or offer any --
21 A. No.
22 Q. I'm wondering like how much was he giving you
23 advice? How much stuff were you really -- what did you
24 talk about?
25 A. After the baby, we didn't really even talk. I

1 was -- I was totally -- I changed. You know, I was a bad
2 little girl and I totally changed. My whole life

HOUSE_OVERSIGHT_012322

3 changed. A couple times after I had the baby, I brought
4 a couple girls there. It was like two times. And then
5 me and Jeffrey really stopped talking. We just stopped
6 talking. I had my own life and he had his, so I don't
7 know.
8 BY AGENT RICHARDS:
9 Q. Did he ever make any arrangements knowing that
10 you wanted to be a model or were modeling? He has a lot
11 of connections with photographers and stuff. I mean, did
12 he ever set up any photo shoots or anything like that?
13 A. No. No, because he asked me if I would like to
14 go to pursue what I wanted to do, but like I said, for
15 the second time --
16 Q. I mean in town here, not to travel to New York
17 for a shoot or anything?
18 A. No. No, because I always like stood back from
19 that because I didn't want him to know that I was 16.
20 BY MS. BILAFONIA:
21 Q. Did you ever get money from Jeffrey when you
22 didn't either give a massage or bring a girl over?
23 A. Yes.
24 Q. Okay. When did that happen?
25 A. I had to pay rent and I was late on my rent.

This was before the baby. And I asked him -- I asked him for like 300. He gave me $500. I don't -- I couldn't tell you how I got it. If anything, I think I went to the house and got it.

Q. Was he there when you went to get the money?

A. No.

Q. Do you know was he in town or did you call him?

A. I don't even -- I can't remember, but I just remember he did give me $500 for rent.

Q. Was that the only time that he gave you money that wasn't connected either to a massage or to bringing a girl?

A. He bought gifts for the baby shower. I can't remember now. Not off the top of my head, no. I never asked him for anything because I just felt -- I'm not like that, you know. I'm not a user and I'm not -- I don't like that. I've never asked him for money, so --

Q. What about presents, either birthday presents? You mentioned gifts for the baby. Any other gifts that he gave you?

A. Yeah, he gave me a -- he had went to Brazil and he came back with a whole bunch of bikinis and he told me to choose one, so I chose one.

Q. Any other gifts, Christmastime or birthdays or anything like that?

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A. No.

Q. Did he give any of your friends that you brought gifts?

A. Yeah, the girl who died, [redacted] He gave her a bathing suit, too, from Brazil.

Q. We have some telephone numbers that we wanted to ask you about.

BY AGENT RICHARDS:

Q. Just to see if you recognize these or if you ever used any of these numbers that might have been old telephone numbers for you at some point. I don't know how many cell phones you may have had through the years. See if you recognize any of those.

A. [redacted] was my number.

BY MS. BILAFONIA:

Q. What was [redacted]'s number?

A. [redacted]'s?

Q. Yeah.

A. What, my baby's father?

Q. Yeah.

A. Oh, I never knew his. Always I just, you know, called him and I never knew his number.

BY AGENT RICHARDS:

Q. It was programmed in your phone?

A. Yeah. So I don't know. I just know [redacted]

HOUSE_OVERSIGHT_012325

because that was my old number like a long time ago.

BY MS. BILAFONIA:

Q. At the time that you were bringing girls over to the house, were you also working a regular job?

A. I worked at City Pizza for a little while, but no, kind of retired and splurged. I didn't have any bills to pay. I saved. I put money in the bank, so --

Q. We had talked about [redacted] before. Do you know someone named [redacted]?

A. [redacted] uh-huh.

Q. And who is that?

A. I brought her a couple times. Who is that?

Q. I mean, did you go to school with her or how did you know her?

A. Oh, I had asked one of my friends. I said do you have any -- It was a guy friend. I said do you have any girls that are willing to give massages and I met up with her. I called her. I talked to her on the phone. I met up with her and she said yeah, cool.

Q. And you said you took her over there a couple of times?

A. Yeah, she went over there more. She went over there more than a couple times.

Q. But you brought her every time that she went over there?

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A. That I know of. That I know of, yeah.

Q. Okay. Did you ever tell any of the girls that they would be going over to model lingerie?

A. No. I told them we were going to go Jeffrey's house and it's going to be a topless massage pretty much. Anything you don't want to do, you don't have to do and it's $200, badda-bing, badda-boom. You make $200 in 30 minutes.

Q. Did any of the girls complain about what happened after they left there?

A. No. You asked me that question. No, everybody loved Jeffrey.

Q. No one called you and said, I think that you should call -- I think that we should call the police?

A. No.

Q. No one told you that?

A. No, no, oh, my God. And who is that coming from?

Q. We just have phone calls that seem to contradict what you're telling us?

A. Oh, so you think that people came to me and said that I'm to call the police on Jeffrey?

BY AGENT RICHARDS:

Q. Was there anyone that thought that what Mr. Epstein was doing was inappropriate and was concerned

about that?

A. Every girl that I brought to Jeffrey, they said they were fine with it. And like, for instance, [redacted] -- [redacted] a lot of girls begged me to bring them back. They wanted to come back for the money. And as far as I know, we all had fun there. We ate all the food. He gave us free bikinis. No, nothing about any cops.

Q. I mean, was there anyone that thought what he was doing may have been a little bit wrong? Not wanting to report to the police, but just saying, you know, that's kind of weird?

A. We talked about it like because we were underage, but he thought that we were 18. We were like hopefully that no one finds out. Hopefully, Jeffrey doesn't find out our age. But other than that, not calling the cops.

BY MS. BILAFONIA:

Q. Was anybody upset that he was masturbating? I know that you said you told them that they would possibly do the massage topless. They might have expected that. Was somebody shocked --

A. Yeah, of course. I mean, he always told them, okay, and I told them, too. I said if you're going to go there, then you don't have to do anything that you're not

HOUSE_OVERSIGHT_012328

1 comfortable with. A couple girls when they did come out
2 of there, they're like oh, my God, I wasn't expecting all
3 of that, but he always asked them and I asked them.
4 They'd say that, you know, he asked me are you
5 comfortable with this and they'd say yes. Maybe they
6 were scared, who knows. But yeah, they came out of there
7 like oh, my God, that was kind of weird, you know, yeah.
8 Q. Were any of them upset about it?
9 A. Do they like regret it or something?
10 BY AGENT RICHARDS:
11 Q. Just shaken up, you know, just kind of shocked?
12 A. A couple of girls -- well, see, we were so
13 young and Jeffrey didn't know that. Like the whole thing
14 was shooken up when I brought them there. And see, I
15 don't know. I thought that they were, you know, most of
16 the girls that I did bring there, they were 18, 19, 20.
17 But I remember there was a couple times that I had
18 brought like maybe 16 year olds or something, my age.
19 And they -- I don't know. It's like they were scared to
20 say that they were 18. They were like what if he finds
21 out? And they were a little shook up about that, the age
22 thing. But and afterwards like if he climaxed or
23 whatever, if they were like shooken up, I'm like it's
24 okay, you know. And they were like oh, I wasn't

HOUSE_OVERSIGHT_012329

25 expecting that, but they told Jeffrey that, you know,

1 they were comfortable with it. If anything, you know,
2 maybe they were scared and they felt like obligated, like
3 they didn't want to say. I was thinking that they didn't
4 want to say like no, you know, I don't want to do that,
5 so who knows. I wasn't up there with them, so I couldn't
6 tell you.
7 BY AGENT RICHARDS:
8 Q. Who were the ladies who mentioned that to you
9 who were kind of shocked?
10 A. Usually, the girls that I would bring like one
11 time and I wouldn't even see them again.
12 Q. Can you help me out with some names, though?
13 A. Huh-uh, no. I can't remember her name. She's
14 on the top of my -- oh, my God, I don't remember. I
15 can't remember.
16 BY MS. BILAFONIA:
17 Q. None of the girls wanted to go to the
18 authorities? Nobody was that upset that called you or
19 spoke to you that was upset with what had happened to the
20 point that they wanted to report it?
21 A. No, no. If anything, thank you, [redacted] so much
22 because I really could use the money.
23 BY AGENT RICHARDS:

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24 Q. Do you know the names of some of the girls that
25 you brought?

1 A. Huh?
2 Q. Do you know the name of some of the girls you
3 brought other than the ones that we've talked about right
4 now?
5 A. Like I said, I can't remember because usually
6 there --
7 Q. There's about 30 of them, so you've got to
8 know --
9 A. No, I don't know because there were girls that
10 I didn't even know so, you know, I just asked them. I
11 said, Hey, would you like to make some money? Here's my
12 number. Do you want to make money? Here's my number,
13 you know, and that's how it went. So I don't remember
14 the names and I really didn't care to know their names,
15 anyway.
16 Q. Do you know their phone numbers?
17 A. Now?
18 Q. Yeah.
19 A. No.
20 Q. Do you know any of their phone numbers?
21 A. No, no, no. That was years ago.

HOUSE_OVERSIGHT_012331

22 Q. We're just trying to find any other ladies out
23 there that we haven't already seen and you brought 30 of
24 them and we're just trying to --
25 A. I don't know if I brought 30 of them.

1 Q. Approximate?
2 A. Yeah. No, I have no clue, no idea.
3 BY MS. BILAFONIA:
4 Q. Did you stay in touch with any of the girls
5 that you brought?
6 A. Huh-uh.
7 Q. [redacted] any of the girls that we've
8 talked about? Did you ever when you were either bringing
9 girls or when you were giving massages, did you ever
10 drink anything or take any drugs, whether it was
11 prescription drugs?
12 A. I heard this on the news, no. It's ridiculous.
13 Q. You never took any drugs?
14 A. Never.
15 Q. Did any of the girls take drugs? Did you know
16 that they were talking drugs?
17 A. There was no alcohol. There was no drugs, no.
18 Q. None of the girls that you brought were using
19 drugs?
20 A. No.

21 Q. And just so you know, [redacted], we're not talking
22 about necessarily crack cocaine. We're wondering if
23 anybody was taking any prescription medication?
24 A. I don't know if they were taking prescription
25 medication. That's their problem. I don't know.

1 Q. And you didn't give anybody else any
2 prescription drugs?
3 A. No, no. When I was 16, I smoked pot, but no.
4 (Start of Tape 2.)
5 MR. EISENBERG: Okay, gang, back on the record.
6 And I assume you mean prescription medication not
7 for prescription purposes?
8 THE WITNESS: I thought you meant like for
9 prescription, prescribed. No, I don't know.
10 AGENT RICHARDS: Okay.
11 BY MS. BILAFONIA:
12 Q. But you weren't taking any anti-depressants or
13 pills or anything?
14 A. No, no, I just smoked pot. But I mostly went
15 there sober. I was comfortable with Jeffrey. Jeffrey
16 always made me feel so comfortable. I thought I was a
17 big girl. I was 18.
18 Q. You said that you stopped. Why did you stop

HOUSE_OVERSIGHT_012333

19 going over there? You said you had a baby and you
20 changed?
21 A. Yeah.
22 Q. What happened?
23 A. Everything changed in my life, everything. I
24 ended up getting a job and I just stopped. I just
25 stopped. I don't know.

1 Q. But if you felt so comfortable, why did you
2 stop going over there?
3 A. I just stopped because I have a son now and I
4 didn't feel like it was right. First off, I was a
5 stay-at-home mommy, okay. And what am I going to do,
6 bring my son over there to Jeffrey's, no, you know. So I
7 focused on my son. I had a beautiful baby boy that was
8 my pride and joy. I didn't care for anything else. I
9 didn't care to tell friends. I dropped all my friends.
10 Like he asked me do I have any numbers, no, you know. If
11 anybody does call me, that's my mother. Like it was just
12 me and my baby boy and it's been like that ever since.
13 BY AGENT RICHARDS:
14 Q. Having a baby is a life-changing experience,
15 isn't it?
16 A. Having a baby?
17 Q. Yes, it's full-time.

18 A. Awesome, I love it. I love it.
19 Q. Yeah, he'll be two in August.
20 A. Mine will be two in June.
21 BY MS. BILAFONIA:
22 Q. Is that when you started working with the
23 company you're working for now?
24 A. Well, I was -- the whole time I was pregnant, I
25 was taken care of by my baby's father. Then I was a

52

1 stay-at-home mommy for eight months. After that, I
2 worked at LA fitness, Romeo Pizza. It's been a year now.
3 And what do you mean, is that why I'm working?
4 Q. No, I just didn't know where you were working.
5 I thought you said you had gotten a job afterwards, after
6 the baby was born?
7 A. Yeah, I worked at the laundromat for a couple
8 of days. I just like to -- I wanted to soak in my son.
9 That's all I did and I was like a hermit crab in the
10 house, you know. And if anybody -- I told -- I told
11 [redacted]. I said, you know, I have a baby now and you know,
12 I'd rather stay at home with my baby. My old man was
13 taking care of me. I didn't care about money.
14 Everything was good, so a new life.
15 BY AGENT RICHARDS:

HOUSE_OVERSIGHT_012335

16 Q. Speaking of work, when you set up appointments
17 with [redacted] did she refer to what the girls were doing as
18 work, like would they go over to Jeffrey's to work for
19 massage or --
20 A. No.
21 Q. -- how did she -- were any terms used or just
22 in general? Did she ask you if you had any girls that
23 can work or did you have any girls that can come over?
24 Do you have any girls that can give a Jeffrey a massage?
25 How did she ask for these appointments?

1 A. All of the above: Do you have any girls that
2 would like to come over? Do you have any girls that
3 would like to work? Yeah, all of the above, really. I
4 mean, me and [redacted] were really -- it's like a friend
5 relationship. She's fun. No, it wasn't like a specific
6 like hey, you know, do you want to come over and work,
7 no. It was all different: massage, work, whatever.
8 Q. Okay.
9 BY MS. BILAFONIA:
10 Q. You said that you and [redacted] had developed a
11 friendly relationship. Did [redacted] ever tell you what types
12 of girls Jeffrey wanted or I think you said that
13 sometimes she would say he likes this girl or I'm sorry,
14 he likes this girl?

15 A. Yeah.
16 Q. What exactly -- what guidance did she give you
17 about recruiting the girls?
18 A. She didn't give me guidance. Jeffrey from the
19 get-go, I really like women like you. So when I would go
20 searching to make money or whatever or my girlfriends, I
21 know what an attractive person looks like and I would --
22 I would bring them, you know. I didn't bring any
23 overweight people. I just knew what Jeffrey liked, you
24 know.
25 Q. Did you ever talk to [redacted] massages when you

1 gave them, what you did, what you would do?
2 A. Huh-uh. I didn't know if she knew or not.
3 Q. I have a picture of someone and I'm just
4 wondering if you recognize this person?
5 A. No. Was she a girl that was over there?
6 Q. Just a face that we wanted to --
7 A. Okay. No, I don't know.
8 BY AGENT RICHARDS:
9 Q. When you would ask the ladies if they'd like to
10 go over to see Jeffrey, what was the percentage? How
11 many people would say sure, that sounds good. Let's go
12 do it. And how many would just say, no, I'm not

HOUSE_OVERSIGHT_012337

13 interested. I mean, do you have -- how often when you
14 would ask the girls --
15 A. It was usually girls that I brought, the girls
16 that I had brought like first five girls, say, I would
17 say, Listen, you know, recruit your girlfriends and it
18 would go down the line. Recruit your girlfriends and I
19 will pay you guys. So if I was off the wall, say I was,
20 you know, at a club or something and I was like hey,
21 girl, do you want to -- they'd be like you're crazy, you
22 know.
23 Q. That's what I wondered, when you approached
24 them what was the reaction?
25 A. But when I talked to them over the phone, if it

1 was one of my girlfriends' friends or one of their
2 friends, I would tell them exactly and they'd be like
3 okay, you know. And some girls weren't comfortable with
4 it. You know, how your morals are or whatever, if you're
5 comfortable with your body, if you're comfortable with
6 giving an old man a massage for $200.
7 Q. For 30 minutes.
8 A. You know, everybody is a different person.
9 Q. Sure.
10 A. But most of the girls were -- they were like
11 yeah, sure, yeah.

HOUSE_OVERSIGHT_012338

12 BY MS. BILAFONIA:
13 Q. Did you ever say anything about, you know, be
14 careful who you talk to about this or I guess I'm
15 wondering why, you know, were rumors going around at
16 school or how did everything keep under wraps?
17 A. Everybody knew. I don't know. Everybody made
18 jokes about it. Like it was not in school. It was more
19 like in my neighborhood. They would call me Heidi Fleish
20 and everybody just made jokes about it. I don't know.
21 It wasn't -- but I didn't care.
22 Q. Right.
23 A. You know, it wasn't if you didn't get out -- it
24 wasn't really a big thing to me at all.
25 Q. I guess I'm just wondering, you know, kind of

56

1 the way that this all came out was finally a parent found
2 out about it --
3 A. Yeah, I heard.
4 Q. -- and went ballistic. How did you keep these
5 girls' parents from finding out?
6 A. I don't know, probably embarrassing. They
7 obviously liked Jeffrey that much that they didn't tell
8 anyone.
9 Q. Did anybody hassle you at school? Did anybody

HOUSE_OVERSIGHT_012339

10 call you Heidi Fleish at school?

11 A. No, no, no, I was out of school by then, No.

12 Q. Why did you drop out of school?

13 A. Well, actually, -- Why?

14 Q. I'm sorry. I interrupted you.

15 A. Because -- no, you didn't. Well, my mother had

16 took me me out of school to home-school me. And then I

17 had went back to a school because I was really behind

18 because she didn't home-school me and I had got pregnant,

19 that's why. And that's in the eleventh grade, that's

20 when I got out because I was pregnant. And I decided

21 that I was -- I mean, I didn't know what I was doing. I

22 wanted to have a house. I said I'm going to have this

23 baby. I need to have a house, a car, and I set out all

24 my goals and that's what happened. But then I ended up

25 getting my GED and I have a life.

1 BY AGENT RICHARDS:

2 Q. were there ever any girls that came to you

3 wanting to work over there that said hey, I'd like to go

4 work over there and make $200 bucks? Did you have any of

5 that?

6 A. Uh-huh.

7 Q. Do you remember any of their names or were they

8 classmates or --

HOUSE_OVERSIGHT_012340

9 A. It wasn't --It wasn't involved in the school so
10 much. It was just that [redacted] girl in the school.
11 Q. Okay. So she was really the only like
12 school-related --
13 A. Like person from school, yeah.
14 Q. Okay.
15 A. But it was mostly out of school. So I wasn't
16 really hanging out with the best crowd. And all the
17 people that I did hang out with, they were dropouts. So
18 it wasn't anything in school. It was mostly like the
19 neighborhood people or my friend, one of my guy friends'
20 girlfriend or whatever, you know. We were all young and
21 stupid, but --
22 BY MS. BILAFONIA:
23 Q. Anything else? Do you have any questions for
24 any of us, for me or --
25 A. No, but I hope -- I hope Jeffrey, nothing

1 happens to Jeffrey because he's an awesome man and it
2 would really be a shame. It's a shame that he has to go
3 through this because he's an awesome guy and he didn't do
4 nothing wrong, nothing.
5 Q. Are you in love with him at all?
6 A. My God, no. I love him as a friend. I love

HOUSE_OVERSIGHT_012341

7 him as a friend. He has done so much for me. No, I'm
8 not in love with him. I tell Jeffrey, do you want to
9 marry me with all of the money that you have.
10 AGENT RICHARDS: All right. At this time,
11 we're going to conclude the interview. It is 5:34
12 by my watch.
13 MR. EISENBERG: The only thing we'll correct is
14 that there might have been a reference to an old guy
15 at 50 and we'll just say a more mature individual
16 who may be in his 50s. Thank you.
17 (End of the tape.)
18
19
20
21
22
23
24
25

1 CERTIFICATE
2
3 - - -
4 The State of Florida,)
5

6 County of Palm Beach.)
7
8
9
10 I, Vicki S. Woodham, Notary Public, do hereby
11 certify that I was authorized to and did listen to and
12 stenographically transcribe the foregoing tape-recorded
13 proceedings and that the transcript is a true record to
14 the best of my ability.
15
16 Dated this 26th day of April, 2007.
17
18
19
20
21 _____
22 Vicki S. Woodham
23 My Commission Expires:
24 December 08, 2010
25 Commission No.: DD617559

TAB 7

IN RE: JEFFREY EPSTEIN

TAPED INTERVIEW OF [redacted]

Sandy Rossi
Notary Public, State of Florida
Consor and Associates
Phone - 561.682.0905

98ae64ed-fabf-461a-b5d2-be85289cc56a

HOUSE_OVERSIGHT_012346

(Thereupon, the following interview was had:)

- - -

DETECTIVE RECAREY: -- December 13th, 2005. This is ID number -- Detective Joe Recarey with the Town of Palm Beach Police Department. Present is Detective Dawson with the Palm Beach Police Department.

BY DETECTIVE RECAREY:

Q Can you state your name for the record, please.

A [redacted].

Q Spell it, please.

A [redacted]

Q Your date of birth?

A [redacted]

Q How old are you?

A Seventeen.

Q Okay. You saw I just spoke to your mom and she has given me authorization to speak to you. I am investigating a case involving a gentleman by the name of Jeffrey. You may know him as Jeff or Jeffrey lives in the Town of Palm Beach. We believe that you may have some information pertaining to his residence and/or a visit at his house. I'm going to ask you in your own words tell me exactly what happened from the beginning. I may interrupt you to ask you some more questions but before we begin, can

raise your right hand for me. Do you solemnly swear to tell the truth, the whole truth and nothing but the truth so help you God?

A I do.

Q Okay. In your words, tell me exactly how you met this gentleman in Palm Beach.

A (Inaudible) not really friends. [redacted] told me in class that she found a way of making money. You can get money. And then she said that if I ever told anybody she'd beat my ass and so I didn't even know what she was talking -- okay. She said this guy's house, a place where old guys are. And just massage him for 45 minutes and get $200. And so she picked me up after work. We went down there. Right before we got in there she's like oh, he might ask you to like take off your shirt or something. But I didn't -- it didn't matter so I said okay. And I went in his house. A lady escorted me up to his room. Had a bed on it.

Q Okay. Let me back you up for a second.

A Uh huh.

Q You said this was right before Christmas. Christmas of last year or the year before?

A Last year.

Q Last year.

A Uh-huh.

Q So this is December of 2004, right?

A Uh-huh.

Q Okay. How old were you then?

A I think 16.

Q Okay.

A And then I went up there. He was on the phone and he just told me to massage his feet so I went over there and did it. (Inaudible) and everything and then --

Q Hold on for a second. Hold on. Take me from when you got to the house in Palm Beach. First of all, do you remember the name of the street?

A You said it before but I just can't remember.

Q Okay. Do you remember any specifics of the house?

A I know where it is if I were to go back. I could find it.

Q Okay.

A It was at the end on the left side.

Q The end on the left side? Okay. Do you remember the color of the house?

A Oh. It was too long ago.

Q Okay. I know it's been some time and we did speak once before.

A Uh-huh.

Q All right. So you were walking in with [redacted]?

A Uh-huh.

Q Okay. Take me from do you go in the front door?

Do you go through the garage?

A No. You go to the side gate. You have to knock on the back door kind of.

Q Uh-huh.

A And a lady will ask you like what's your name and why you're there.

Q Okay. What's the lady's name? Do you know?

A No. I think she was the maid because she was like folding up towels and she was bringing them upstairs.

Q Do you know -- can you describe her to me?

A She might be a Spanish lady. I can't remember so well.

Q Okay.

A And when you walked in, there was food on the table. They offered you food. And I waited a couple of minutes. I guess he was in another session. I don't know. Because like a girl walked out before I walked in and this really pretty lady, he walked in with two ladies and they were like, they looked like models or something and one had blond long hair and one of them came down and told me I could go upstairs. That's probably her. And as we were walking up the stairs she told me what was going to happen like well, he's going to have some lotions there and he'll probably be on the phone for a little while.

Q Okay. Did the blond lady with the long hair take

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you upstairs?
A Yeah.
Q Okay. How does she take you upstairs? How did you --
A She just said follow me.
Q Did she -- did you go up a big staircase? Little staircase?
A It was like a living room. It was the kitchen and then a living room and you turned right and then it was like a staircase that would like I guess it's kind of -- like spirals.
Q Okay. Did she take you to where?
A It kind of looked like a bathroom but there was no toilets. It was a cold room and it had like a sauna in there.
Q Okay.
A A big sauna. Just a table where he was going to lay on. A place where you could wash your hands and it just kind of looked like it was a room for that.
Q Okay. Okay. So take me from there.
A He turned the lights down some and he was on the phone. He's like oh, just (inaudible) lotions are here and you can start by rubbing my feet. So I put some lotion, rubbed his feet, and then he told me to rub his calves, his legs or whatever. And then I'm trying to remember. And

Yeah, and then he wanted me to rub his back. I started up top and then he kept asking me to go lower and lower and he still had the towel on at this point and then when I got right to where his -- right above his like butt like kind of right above here --
Q Uh-huh.
A -- he like flipped over and he just told me to like start rubbing like his stomach and stuff like that and his chest and then he told me, he's like why don't you just take off your shirt and pants. I was like (inaudible), so I did that and then --
Q You had your shirt and pants on when you were rubbing his feet and calves?
A Uh-huh.
Q Okay. You took off your pants and shirt.
A Uh-huh.
Q Okay.
A And then like he got more (inaudible) and he took off his towel.
Q Okay.
A I don't really like know why he was doing that but and then he -- he was kind of like talking to me like trying to get to know me about my sex life. He's like oh, you're such a beautiful girl. He's like well what are you like when you have sex. I didn't really answer him. I was like.

well, I don't really like to do anything. (Inaudible) a massage. That's it. And he's like oh, but you're so beautiful. And he kept saying that for some reason.
Q All right. Let me stop you for a second. When he took off his towel, was he completely naked?
A Uh-huh. Yes.
Q Okay. And you were in bra and panties?
A Uh huh.
Q Okay. Okay. Take me from there. So he took off his towel, he's telling you how beautiful you are.
A And he told me, he told me to rub his nipples like he's like oh, just pinch them or something. And I was like all right. And then he had one hand on his P.
Q Okay.
A And then he like tried rubbing on my prives (phonetic) and he had like the middle of my bra was the snap off part and he like snapped it off and he was trying to feel my boobs and then he just grabbed my thighs and he was jacking himself off at the same time and then he went down to -- should I say that?
Q Say it.
A My vagina.
BY DETECTIVE DAWSON:
Q We've heard it all
A Yeah. And he like didn't take off my panties but

he like pushed them to the side and he's like feeling down there and he's like don't worry, don't worry, I'm not going to go in, da da da. It's so weird. I'm like anyway. And then he started rubbing down there and then he started talking dirty. He's like ah, your clit feels so hard and stuff. And I like backed away. I was like (inaudible).
Q Okay. At any time did you tell him no? Did you tell him you're not comfortable with this?
A I backed away and I said I was like well, I don't know if I should do that and I was like very hesitant and so scared that I didn't know what to do. Kind of like you just want to get it over with to get it over with. And then -- and I was feeling so tense. I guess that's why he was saying it. And then he actually stuck his fingers in there and I backed away again. He goes oh, don't worry, don't worry. And he's like okay. I'm sorry. Then he went back to the outside and he was still jerking himself off and then finally he finished himself, wrapped up his towel and said there was $200 on the counter and then there's an extra hundred for [redacted] He's like oh, I'd like to see you again. I was like yeah. I don't know.
Q Okay. Let me bring you back to when he snapped off your bra.
A Uh-huh.
Q When he snapped it off, did you take it off or did

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1 he slip it off of you or did you just have it on and it was
2 just hanging?
3 A Yeah, it was just hanging. He had snapped it off
4 and it was just right here.
5 Q Okay. At any time did he touch your breasts?
6 A Yeah.
7 Q When -- okay. So you're standing there, your bra
8 has been unsnapped. What kind of panties did you have on?
9 Do you remember?
10 A A thong.
11 Q A thong?
12 A Uh-huh.
13 Q He started touching you on the outside of your
14 panties or did he move your panties to one side?
15 A On the outside first and then he moved, he moved
16 them over.
17 Q Okay. And then he started touching you on the
18 outside of your vagina?
19 A Uh-huh.
20 Q And he told you he was not going to go inside.
21 A Yeah.
22 Q At what point did that change?
23 A When he started feeling down there and then
24 when -- pretty soon.
25 Q When you say fingers, did he use more than one

1 finger?
2 A I think he used two but I don't know.
3 Q Okay.
4 A And then after I told him, I backed away and I was
5 kind of like shaking my head no, he's like okay, I'm sorry.
6 And then he kind of still put his fingers down there. He
7 was just like pushing really hard on me like, I don't know.
8 he just, it just felt like his fingers weren't in me but it
9 was close enough to where it still felt weird.
10 Q How did you -- how did -- when he had his fingers
11 inside you, you backed up to get them out or --
12 A Yeah. And to let him know that I don't want to do
13 that.
14 Q Okay. And none of this was told to you by [redacted]
15 that this would happen?
16 A No.
17 Q Okay.
18 A That's why when I got out I was freaking out but I
19 didn't even say anything to her and then she asked me what
20 happened and I told her what happened and she said oh, it's
21 okay. He did that to one of my other friends I brought
22 here. And I was like and you let him do that and still got
23 me in there? And she's like oh, it's okay. You got $200.
24 Does it matter? I said did you have to do that? She said
25 no. I was like all right, then you don't know how it feels.

1 She's like let's just go shopping and stuff and I was like
2 no.
3 Q Okay. During this time that this was occurring,
4 he was jerking off you said?
5 A Uh-huh.
6 Q Okay. What does that mean to you? I mean like is
7 it something that -- do you know what masturbation is?
8 A Yeah.
9 Q Is that what you consider --
10 A Yeah.
11 Q Okay. Did you -- I'm sorry.
12 A That's okay.
13 Q Do you know what a circumcised and uncircumcised
14 penis is?
15 A Umm, then (inaudible.) No. I know what it is.
16 Q Okay. Did you visually see his penis?
17 A Uh-huh. Yeah.
18 Q Would you say it was circumcised or uncircumcised?
19 A I would think it would be circumcised but I tried
20 not to look.
21 Q Okay.
22 A I was kind of just like looking away because I
23 didn't want to see what was actually happening.
24 Q Okay. You said that he had finished.
25 A He came.

1 Q Okay.
2 A Because he was like a big sigh of relief like he
3 had been done and he just got right back up and --
4 Q Do you know where he came on? Was it on the
5 towel? Was it on himself? On the bed or --
6 A I think it was on the towel like right between his
7 legs probably.
8 Q Okay. As I told you before and I explained to
9 your mom, what he did was wrong, okay?
10 A Uh-huh.
11 Q I want to reassure you on that. Okay?
12 At any point did he ever ask you to leave your
13 phone number or --
14 A No. He didn't ask me for anything. Like I think
15 he asked me my name in the beginning.
16 Q Did he know your age?
17 A I don't think -- he did. I think he did.
18 Downstairs [redacted] was like oh, well, if they ask you how
19 old are you just say you're 18 but he never asked me how old
20 I was.
21 Q Okay.
22 A I thought you had to be a certain age to massage.
23 Q Do you have any formal massage training?
24 A No. That's why I thought (inaudible).
25 Q Okay. How long would you say this session lasted?

A Probably like around 45 minutes.
Q Forty-five minutes? Okay.
You said he wanted to see you again. Did the blond hair lady try to take your information or --
A He said oh, well, I think [redacted] gave my secretary your name and number and stuff and I'd like to see you again and --
Q Did anybody from the house ever call you again?
A Huh-huh.
Q Nobody ever called you?
A No.
Q Okay. So you only went there that one time?
A Yeah.
Q Okay. Is there anything else you'd like to add?
A Yes. There was another girl that like [redacted] -- there were other rumors like they were partners in doing that.
Q Who was that?
A This girl [redacted] I'm not. I'm not quite sure. My brother would probably know because she's older than us because she met her at Publix afterwards and [redacted] went and gave her some money. I think they had to share the $100 that they did. (Inaudible) a hundred bucks. And then I heard another thing at my school that there was like a rumor about this other girl it happened to. I just didn't say

anything because I didn't want anyone to know about me.
Q Do you know who the other girl was?
A I could ask.
Q No. Don't worry about it.
A Okay.
Q Did he know you went to [redacted] ?
A I don't think he knew anything about me.
Q Like the questions that he asked you in trying to get to know you, what kind of question I mean other than the sexual questions?
A He didn't really ask me -- oh, wait, he asked me what school I went to. He was just asking me like how I felt because you're good at massaging, (inaudible) how I got in the business. I thought yeah, that'd be cool. And he tried to ask me so do you have a boyfriend, what do you do for fun. Pretty much like it was kind of weird how often (inaudible). How do you like to have sex. Oh, do you like it when people like touch your boobs. I said no, I don't really like when people touch my body because I'm shy and (inaudible) don't let anyone touch my boobs anyway. He did it.
Q Okay.
A But he kept asking me like about his nipples. He's like oh, that feels so good like --

DETECTIVE RECAREY: Okay. Can you think of anything else?
BY DETECTIVE DAWSON:
Q Was he in good shape? Was he a blob?
A He was old but he wasn't as muscular or anything like that. He was like a regular old guy.
BY DETECTIVE RECAREY:
Q Did he have any accents or anything or --
A Huh-huh. No.
Q Did he ever introduce himself to you?
A No. That's why I don't know who you're talking about. I guess I heard that name in front of [redacted] (Inaudible) took notes on his name or anything.
Q I know this is difficult for you and I know it was difficult from talking to you the other day and it's difficult talking to you now.
A Uh-huh.
Q But I've talked to a lot of people and I really appreciate you talking to me about this.
A Uh-huh.
Q Is there anything else you'd like to add to this statement?
A No.
DETECTIVE RECAREY: No? I'm going to go ahead and conclude this statement. The time by my

watch is 5:25 p.m.
(Thereupon, the interview ended.)
- - -

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1 CERTIFICATE
2
3 STATE OF FLORIDA)
COUNTY OF PALM BEACH)
4
5 I, Sandra Rossi, Court Reporter, State of
Florida at Large, certify that I was authorized to
6 and did stenographically report the foregoing
proceedings, and that the transcript is a true and
7 complete record of the tape as listened to by me.
8
9 Dated this 30th day of January, 2007.
10
11 ----------
Sandra Rossi, Court Reporter
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TAB 8

IN RE: JEFFREY EPSTEIN

DRAFT

TAPED CAR INTERVIEW OF [redacted]

DRAFT

(Thereupon, the following interview was had:)

- - -

MS. ROBSON: -- say anything to you about this (inaudible), right?

BY UNIDENTIFIED MALE SPEAKER:

Q You know we're not going to argue again. We're not going to keep much from you.

A I just don't want to rat anybody out. I'm not an idiot. Come on, now.

Q That wasn't more of a ratting out. It was more of a --

A Complaint?

Q You got it.

A (Inaudible.)

Q You're a smart girl.

A I'm not an idiot.

Q Yeah. No, you're not an idiot.

A So I guess karma, you know.

Q (Inaudible.) I'm kidding. I'm kidding. I don't even know who he is.

A I don't know. It's such a big -- there's so many girls out there that have worked for him it's not even funny.

Q Really?

A Like I said, some bring friends who bring friends

who bring friends.

DETECTIVE RECAREY: All right. You notified Jimmy?

UNIDENTIFIED MALE SPEAKER: I notified Jimmy.

DETECTIVE RECAREY: Give him a call.

(Inaudible) 692 -- our ending mileage was 692323. I'm sorry, 6923. Our beginning mileage to head back southwest -- (inaudible). (Inaudible) white female (inaudible) same mileage 6923.

What was that?

UNIDENTIFIED MALE SPEAKER: Fire truck.

MS. ROBSON: So when will I know what's going to happen?

BY UNIDENTIFIED MALE SPEAKER:

Q Well, here's the thing. What are you doing tomorrow? Well, no, here's our goal. We would like to at least to talk to -- help me.

UNIDENTIFIED MALE SPEAKER 2: We want to try to interview some of these --

MS. ROBSON: (Inaudible.)

BY UNIDENTIFIED MALE SPEAKER:

Q Right. Tonight.

A Tonight I'm free so --

Q Okay.

BY DETECTIVE RECAREY:

Q Tomorrow you're working?

A Tomorrow I go to school from 12 to 4.

BY UNIDENTIFIED MALE SPEAKER:

Q Uh-huh.

A Wednesday I go to (inaudible).

Q Well, tomorrow what are you doing after 4:00?

A Nothing.

Q Okay.

BY DETECTIVE RECAREY:

Q Do you have to go to work?

A (Inaudible) Thursday

BY UNIDENTIFIED MALE SPEAKER:

Q Okay. We would prefer to do it sooner than later and our, our request from you at this point as we move along is really for you to make that phone call and introduce us and say, you know, these are the detectives from the Palm Beach Police Department. I've told them everything. They're on their way to your house. Do you know these girls' schedules by chance or anything like that? Do they still go to high school?

A Well, [redacted] still goes to high school. She's a senior.

Q Okay. And that's, that's who we want to speak to tonight. From what you're telling us, we're confident [redacted] will not be going and talking to Jeffrey. Depending on how

that goes we might give you a call and ask you to make another phone call for us. If we could break out the list as we drive, make sure we have a little order of obviously [redacted] based on what you're saying, should be the last on our list. We don't know if she's still --

DETECTIVE RECAREY: [redacted] she's in Orlando. We can do that one over the phone.

BY UNIDENTIFIED MALE SPEAKER:

Q Now didn't you say she was back though?

A [redacted] is back. I don't know if she has class tomorrow but I don't know if she left already or not.

Q What kind of class? Is she in college or something?

A College. Yeah, she's up in Orlando. I don't know. She might have already left. What is today? Monday?

Q Yeah

A Oh, well she might have already left today. She had class today.

Q Oh, today, yeah.

A Yeah, she does. Very rarely just to see her parents and stuff. Like she lives up in Orlando. She might come back once a month on the weekend to visit her parents.

Q Now do you talk to [redacted] at all or not really?

A I hung out with her last night. She came down from college and stuff.

DRAFT

Q Uh-huh.
A But --
Q That was Sunday night. So she was around just last night.
A She was around last night but, like I said, I don't -- she might be still here, she might be up in Orlando now.
BY DETECTIVE RECAREY:
Q Okay. What about [redacted]?
A Oh, I don't like her. I don't like her. What about her? She never worked for, she never worked for Jeffrey but she's been to his house before. She knows about it. Knows about everything that went on. She was the one that was with (inaudible).
Q Okay. Does [redacted] know [redacted]? Do they know each other?
A I don't know.
BY UNIDENTIFIED MALE SPEAKER:
Q Then [redacted] (phonetic) lives like a couple blocks away from you, yeah?
A Yeah.
BY DETECTIVE RECAREY:
Q Okay. [redacted] lives (inaudible.)
A (Inaudible.)
Q Okay. Why are you afraid of (inaudible)?

A Oh, no. I'm not afraid you know what it comes down to? It comes down to this. I'm not afraid of any of those girls but when I almost fough [redacted] [redacted] cries to [redacted] and [redacted] was brought in to our group which was stupid and instead of being mature about what happened three years ago, [redacted] was like I'm going to kick your ass, da da da, and I was like you know what? You talk a good game. Leave me alone pretty much. It got ridiculous so I had to change my number and I saw her at (inaudible) one night. She jumped me from behind. I go you didn't say anything to me all night and when she jumped me from behind she jumped me so whatever. Girls are stupid.
BY UNIDENTIFIED MALE SPEAKER:
Q All right. Who else was on that list you got there?
BY DETECTIVE RECAREY:
Q Do you know a girl named [redacted]?
A [redacted]
(Cellular telephone discussion as follows:)
DETECTIVE RECAREY: Hello? Yes. Hey, Dahlia. Okay. Right. Okay. Right, right, right, right, right, right. Well, that's the case, that's the situation. Right. Okay. All right. Right. We're gonna meet with her tonight. (Inaudible.) Okay? All right. Bye.

MS. ROBSON: So what if [redacted] s not home?
BY DETECTIVE RECAREY:
Q Okay. Well we'll move on.
BY UNIDENTIFIED MALE SPEAKER:
Q That's our -- right now we want you to help us with an order of who in your mind (inaudible) you're confident was 16 or maybe 17 when they went there, who probably no longer has any connections with Jeff (inaudible) who at least maybe a day might keep their mouth shut.
A Okay. Well with [redacted] I don't know how old she is because she lied about her age. She lied to me when I first met her When I was 18 she told me she was 18. (Inaudible.) Well she left her purse at my house and she told me to make sure that I didn't look in her purse. When I went through her purse I found her state license that said she was 16. So she lied to me about her age. I don't care about working for Jeffrey but --
Q We're looking for girls that went upstairs with Jeff.
A Yeah.
Q Those three or four girls, whatever you can, you know, help us out with here, that is our goal in the next let's say 24 hours.
A Okay.
Q Is to reach out to as many of those girls and it

might be as simple as we give you a call on your cell phone --
A And you call them.
Q And you say hey, we need you to call this girl and tell here we are out front because that's one thing we want to do is figure out where these girls live tonight so that we can reach out to them and say hey [redacted] we're out in front of so and so's house, can you give her a call and let her know that there's a couple of detectives outside and no, you're not kidding, they really are there and heads up. You know what I mean?
A Yeah.
Q That's what we'd like to -- we've got a half hour there if we can make some details on that so we're all on the same page, that's what we're going to do.
So how many girls was on the list that we started with?
A You asked me if I knew an [redacted]
Q We don't know -- what we're going to need is the last names of these girls as well. So if you've got some last names.
A I don't know. I mean --
Q That's okay I mean -- what about [redacted]?
A [redacted]? I've heard of a girl named [redacted] but I don't know (inaudible), you know? To my knowledge I don't

DRAFT

1 know. (Inaudible?)
2 Q No. (Inaudible?)
3 BY DETECTIVE RECAREY:
4 Q No. (Inaudible.)
5 A [redacted] (inaudible). Not that I know of I know a
6 girl named [redacted] but I definitely (inaudible) not like
7 that.
8 Q (Inaudible?)
9 A Don't know. I know (inaudible).
10 BY UNIDENTIFIED MALE SPEAKER:
11 Q Besides [redacted] who else ended up upstairs with Jeff?
12 A That's it.
13 Q Okay.
14 A [redacted]
15 Q Okay. [redacted]
16 A (Inaudible.)
17 Q Okay. Do you know their last names?
18 A [redacted]s last name I don't know. I don't know
19 [redacted]s last name. [redacted] (phonetic). [redacted]
20 [redacted] [redacted] And I know [redacted]s brother,
21 (inaudible) [redacted] I think the last name is [redacted]. I don't
22 know if (inaudible) or anything because I know like
23 (inaudible). It might be [redacted]
24 Q (Inaudible?)
25 A Royal Palm (inaudible.)

1 Q (Inaudible?)
2 A (Inaudible.)
3 Q Do you know their phone numbers by chance or do
4 you have them in your phone maybe or --
5 A Let me check. Okay. What's the first girl?
6 Q [redacted]
7 A [redacted]? [redacted] I know by heart. It's [redacted] and
8 it's a [redacted]
9 Q [redacted]
10 A [redacted] I don't even have in my phone.
11 Q [redacted]?
12 A [redacted]. I know hers by heart. [redacted] Area
13 code [redacted]
14 Q How about [redacted]?
15 A [redacted] no, I don't know her number at all.
16 Q (Inaudible.)
17 A -- [redacted] I'm pretty sure that's her number
18 because that's the only ones I have.
19 Q [redacted]?
20 A I know her brother's number but [redacted]. I
21 don't have her number.
22 Q Is that his cell?
23 A (Inaudible.)
24 Q Okay. (Inaudible.)
25 A Uh-huh. (Inaudible.) [redacted] will have. [redacted]

1 Siciliano should have [redacted] because they hang out
2 Q They hang out.
3 A Quite a bit. And you should also (inaudible) and
4 [redacted] I know the first three digits it's [redacted]
5 it might be [redacted] but I haven't talked to her in a while.
6 Q So if we start with [redacted] tonight, based on what you
7 just said is [redacted] could introduce us to [redacted] who then
8 could introduce us to --
9 A To Jen Reyes.
10 DETECTIVE RECAREY: [redacted] Okay. [redacted]
11 [redacted] hangs out with [redacted] Obviously I'm
12 going to talk to [redacted] last
13 BY UNIDENTIFIED MALE SPEAKER:
14 Q Right. We want to avoid [redacted] at all costs.
15 So our question to you is this group of three
16 girls --
17 A They all know each other
18 Q They know each other
19 A They all know each other.
20 Q Even [redacted]
21 A They know [redacted] They know everybody. It's
22 like a group of people who all know each other.
23 Q Faith (inaudible)
24 A The only one they might not know is [redacted]
25 (inaudible) but...

1 Q All we've got is a group of girls that --
2 A They've all heard of each other (inaudible).
3 Q Now do they all go to school with each other to
4 your knowledge?
5 A Some of them. Not all of them but some of them
6 still go to school together.
7 Q [redacted] Does she still go to school?
8 A She still goes to [redacted]
9 Q (Inaudible.)
10 A [redacted] I don't know if [redacted] graduated last
11 year or (inaudible). [redacted] I'm not quite sure. [redacted]
12 might have graduated last year. (Inaudible.)
13 Q Okay. So they wouldn't have as much contact as
14 the other group. (Inaudible) that goes to school.
15 A (Inaudible.)
16 Q My office is warm. The bullpen out there is luke
17 warm.
18 UNIDENTIFIED MALE SPEAKER 2: I love the
19 cold.
20 BY UNIDENTIFIED MALE SPEAKER:
21 Q Yeah, and it's a twenty-year old building so
22 nothing really circulates as well as it should that old but
23 (inaudible) in the car.
24 If there's anybody that we need to (inaudible).
25 [redacted] we're not going to talk to.

DRAFT

1 BY DETECTIVE RECAREY:
2 Q (Inaudible.)
3 A (Inaudible) call her, open your mouth to any of
4 them.
5 BY DETECTIVE RECAREY:
6 Q We will absolutely tell them that that they would
7 be obstructing an investigation.
8 A The only one that's going to open her mouth is
9 probably [redacted] The only one (inaudible) say anything
10 would be [redacted]
11 Q Are these girls, you know, are they embarrassed
12 about what they've done? Would they rather nobody know if
13 it possible or are they out there flaunting it?
14 A They don't care.
15 Q Okay That was my question.
16 A These girls don't care. For the most part they
17 don't care.
18 Q Okay
19 A Otherwise they wouldn't do it.
20 Q I tend to agree but that doesn't mean you --
21 everybody else (inaudible) get in on the action or
22 (inaudible) in general.
23 A (Inaudible.)
24 Q I hear that Oh, okay. (Inaudible) call
25 dispatch. A couple of females, (inaudible) get some

1 addresses. After we're done with [redacted] I think [redacted] we were
2 talking about next? (Inaudible.) Oh, okay.
3 A Well, I don't know (inaudible) well.
4 Q We should probably try her since she would be
5 leaving. You want to try -- [redacted] is off to college.
6 A (Inaudible.)
7 UNIDENTIFIED MALE SPEAKER: (Inaudible)
8 necessary.
9 (Two minutes of inaudible conversation.)
10 (Thereupon, the tape ended.)
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TAB 9

IN RE: JEFFREY EPSTEIN

DRAFT

TAPED INTERVIEW OF [redacted]

DRAFT

(Thereupon, the following interview was had:)

BY DETECTIVE RECAREY

Q Today's date is October 4th, 2005. This is ID number 7915 Detective Joe Recarey of the Palm Beach Police Department. Present at 1301 (inaudible) Road is Detective Michael Dawson of the Palm Beach Police Department.

And can you state your name for the record?

A [redacted]

Q [redacted] how do you spell your last name?

A [redacted]

Q Okay. How old are you?

A I'm 18.

Q Eighteen. Okay. You're currently in college?

A Yeah.

Q Okay. What college are you attending?

A [redacted]

Q [redacted] Okay. And your date of birth is?

A [redacted]

Q Okay. Can you raise your right hand for me? Do you solemnly swear to tell the truth, the whole truth and nothing but the truth so help you God?

A Yes.

Q Okay. [redacted] if you could tell me from the beginning how you met Jeffrey Epstein. I know you have some

information and we are conducting an investigation. We were here last night, spoke with your mom and dad. If you can just start from the beginning as to how you met him.

A Okay

Q And how it came about.

A I met him through my friend [redacted] **(Audio 1:26)**

Q Okay. How long ago was that?

A It was probably about almost a year ago.

Q Okay. Okay.

A And he -- I went there once with her and she gave him a massage and then she asked me if I wanted to do it and then I did it or whatever and then after that like he kind of scared me when I went there so I just decided not to go back.

Q Okay. The first time you went with [redacted] did you go upstairs with him?

A No, I stayed down in the kitchen. **(Audio at 2:03)**

Q Okay. Did [redacted] tell you that -- what was entailed as to what had to be done?

A Well she said the first time you go it's just like a massage and she said like well, the more you go supposedly the more he like expects and starts flirting with girls and that's what kind of like scared me.

Q Okay. I've interviewed other girls and they've told me pretty much the same thing about the massage but

there's more to that. More to the massage. Okay? That's why I didn't want mom to be in here. And you can talk to me about anything. Okay? Like I said, I've interviewed other people already who have told me what transpired in that room. I know it's going to be difficult for you but...

A Well, the first time I went there I did a massage and he was just asking me a lot of questions. He seemed like really nice. And then he kept like staring at me and stuff. And then like I did a massage and he just kept looking at me and he was like oh, you're being shy and I'm like yeah. And he's like do you feel uncomfortable and I was like yeah, a little bit. And he's like okay. And he said well do you want to stop, and I was like no, it's okay. And he was like why are you like being shy and I was like oh, I don't know. And then he would like change the subject and he started talking about other things. And then when we were done he said that if like I wanted to come back and do more then he would like pay me more and then I would have to talk to Haley and I could come back.

Q Okay. What kind of questions did he ask you as you were massaging him?

A He was asking about -- it was a year ago. I don't remember everything but...

Q Right.

A He was just asking me if I had any friends that

might want to give a massage and I said I don't know. Then he asked me about what I wanted to do when I grew up and stuff like that and I asked him what he did and he said he was like a scientist basically

Q Okay. Did he ever ask you how old you were?

A No. **(Audio at 4:08)**

Q No. Did he know that you were 17?

A No, I don't think so.

Q Well it would have been 16 if it was a year ago, right?

A Well it like was almost a year ago. (Inaudible) 17.

Q Okay. During the massage did you -- were you naked or --

A No. I had my clothes on

Q You had all your clothes on?

A Uh-huh.

Q Okay. Did he touch you in any way?

A He was like kind of like leaning towards it but I was like you could tell I was shy so I think that's why he didn't try. But I heard about other girls that he -- that he got flirtatious with them and he made them take off their clothes and stuff.

Q Okay. What -- that was the first time you went, right?

DRAFT

1 A Yeah.
2 Q Okay.
3 A Well, no. It was the second time that I gave him
4 a massage. The first time I went up with [redacted]
5 Q Okay. You went upstairs with [redacted]?
6 A No, I was in the kitchen.
7 Q You were in the kitchen. That was -- you only had
8 two times that you went there?
9 A Yeah.
10 Q The first time you didn't do anything but just sit
11 in the kitchen?
12 A Yeah.
13 Q Who did you sit in the kitchen with?
14 A He had a cook that was there and he had -- there
15 was like two other girls there that live with him.
16 Q Okay. Did you massage his back? Was he naked
17 when you were massaging him?
18 A Well, he had like a towel around his -- his upper
19 was (inaudible) but he had like a towel around him.
20 Q Okay. Did he ever remove that towel?
21 A No.
22 Q When you were massaging him he never removed the
23 towel?
24 A No
25 Q Okay. Did you -- did he have you touch his

1 private area?
2 A No. No. I wouldn't do that. **(Audio at 5:50)**
3 Q You wouldn't do that?
4 Okay. Did he touch you in your private area?
5 A No. No.
6 Q No.
7 A He kept like staring at me and like, I don't know,
8 I just felt uncomfortable and I left. But I heard other
9 stories that like --
10 Q Right. I'm concerned with you. I know about
11 other stories and I've interviewed other people have told me
12 different things. That's why I'm trying to find out what
13 happened to you. Okay?
14 A Uh-huh
15 Q You're the victim in this so that's why I'm trying
16 to find out what happens to you.
17 A Uh-huh.
18 Q Okay? Who took you upstairs to the room?
19 A This girl [redacted] that lives with him.
20 Q Okay. So [redacted] took you up?
21 A Yes.
22 Q Did she tell you anything? Did she say anything?
23 A Huh-huh. There's a massage table and she just
24 laid a towel down and she said that Jeffrey will be out for
25 his massage.

1 Q Okay. Have you received any massage training?
2 A No
3 Q No. I have to ask.
4 Was [redacted] one of the two girls that was in the
5 kitchen with you?
6 A Yes.
7 Q Okay. Did you ever go back to his house?
8 A Well, I just went there twice.
9 Q Right
10 A After that --
11 Q After that you've never come back? Never went
12 back?
13 How much did you receive for the massage?
14 A Two hundred.
15 Q You received 200. **(Audio at 7:43)**
16 Okay. Did [redacted] explain to you what was going to
17 be involved?
18 A She said the first time you go there you pretty
19 much just give a massage, but the more you go there like the
20 more he expects. And that's it. That scared me.
21 Q That's what scared you?
22 BY DETECTIVE DAWSON:
23 Q Did she say (inaudible) or did she (inaudible --
24 A Say didn't have to say it exactly but she implied
25 like, you know, like taking your clothes off and stuff like

1 that.
2 BY DETECTIVE RECAREY:
3 Q Okay. So you didn't remove any of your clothing?
4 A No
5 Q What were you wearing? Can you remember?
6 A I don't know. It was a long time ago. I don't
7 remember exactly.
8 Q Okay.
9 A I don't want to tell you wrong.
10 Q I know. And I know you already told your mom what
11 happened. And like I said, I know this is hard for you
12 but...
13 A I was just scared. I just didn't want my name to
14 like --
15 Q Don't worry. You're not the only person I've
16 talked to. Okay? There's a lot of people that I've talked
17 to and I'm going to talk to.
18 How did you get to his house?
19 A With [redacted]
20 Q Haley. [redacted] took you the first time and you sat
21 in the kitchen.
22 A Yeah.
23 Q What about the second time?
24 A The second time I drove and she came with me.
25 Because I didn't want to --

DRAFT

1 Q You drove.
2 A Yeah.
3 Q Okay. What is it you drive?
4 A I used to have a Cavalier.
5 Q A Cavalier. What color?
6 A Red.
7 Q Okay. Can you describe to me what Mr. Epstein
8 looks like? Jeffrey looks like?
9 A He's tall and he has like greyish/black hair and
10 he usually wears like glasses and he has blue eyes.
11 Q Okay. When you massaged him, you massaged his
12 back area?
13 A Yes. And I did his feet too.
14 Q And his feet. Okay. Did you do his legs?
15 A Yeah, like his calves.
16 Q His calves. Thigh area?
17 A No.
18 Q No. His chest area?
19 A No.
20 Q No. Can you describe what his body looks like?
21 A He's not fat but he's not like thin. He's like
22 normal like average.
23 Q Average? Okay. Is he hairy? Is he not hairy?
24 A A little bit.
25 Q A little bit? A little bit he's got hair on his

1 back?
2 A Yeah.
3 Q Yeah? How about hair on his chest?
4 A Um --
5 Q You don't remember? Okay.
6 He did not touch you inappropriately?
7 A No.
8 Q No. Did he masturbate?
9 A No.
10 Q No. Do you know what masturbate means?
11 A Yeah.
12 Q Okay. Why don't you tell me what it means just so
13 I know so you know.
14 A Playing with yourself.
15 Q Okay. Okay. I have to make sure you understand
16 what it means.
17 A Yeah.
18 Q Okay? I know it's difficult.
19 He didn't touch himself --
20 A No.
21 Q -- while you were massaging him?
22 A No.
23 Q No. Is there anything else you'd like to add?
24 A No. I mean I heard of other stories that he did
25 and I don't think it's very like appropriate like --

1 Q Right
2 A -- the stories that I heard.
3 Q Right. Well, a lot of people that I've been
4 talking to are about your age and a couple younger than you.
5 So that's the part that I have serious problems with.
6 A Yeah.
7 DETECTIVE RECAREY: Do you have any
8 questions?
9 BY DETECTIVE DAWSON:
10 Q Did you see any others -- when you were there you
11 said you talked to two girls in the kitchen. The second
12 time you went, you went with --
13 A Haley.
14 Q Haley. Were there any other girls there?
15 A Yeah, there were the same two girls that were
16 there.
17 Q Same two girls? Okay.
18 A I'm pretty sure they like live and travel with
19 him.
20 DETECTIVE RECAREY: Okay. All right. Well
21 at this time I'm going to conclude this statement.
22 It's 11:45 a.m.
23 (Thereupon, the interview ended.)
24 - - -
25

TAB 10

IN RE: JEFFREY EPSTEIN

DRAFT

VIDEOTAPED INTERVIEW OF [redacted]

DRAFT

(Thereupon, the following videotaped interview was had:)

- - -

BY DETECTIVE RECAREY:

Q All right. I appreciate you coming down again. All right. The reason why I asked you to come down was that I'm investigating a case in which my investigation, I believe that you have information on Jeff Epstein. Okay?

A Okay.

Q First of all, before we even begin, let me just swear you in. Okay? Raise your right hand for me. Do you solemnly swear to tell the truth, the whole truth and nothing but the truth so help you God?

A Yes, I do.

Q Okay. Do you understand what I'm saying?

A Yeah.

Q I know you're Spanish.

A I know. Yeah.

Q I can speak Spanish.

A Yeah.

Q All right. First of all, do you remember Jeff?

A Yeah.

Q Okay. Lives on El Brillo?

A (No audible response.)

Q Okay. Why don't you tell me from the beginning

how you met him.

A Okay. It was something in high school. Everybody was like trying to make money and at the time I had two jobs I guess. That was like two years ago.

Q About two years ago?

A Yeah.

Q When you first met him?

A (No audible response.)

Q Okay.

A Yeah. I was 17.

Q You were 17 then?

A Uh-huh. **(Video at 1:37)**

Q What is it that you were told you would have to do?

A Give him a massage

Q Okay.

A That was it

Q Okay. Who took you there?

A Her name is [redacted]

Q Okay. All right. And do you have any formal massage training?

A No.

Q No. Did -- so [redacted] took you there.

A [redacted] didn't take me there. [redacted] took one of my friends and then Faith was the one who took me because [redacted]

couldn't take me.

Q Okay. [redacted]

A [redacted]

Q [redacted] Okay. Okay. When you got there, what happened?

A It seems really weird, the whole situation. There were more girls in the house and then they just saw me go upstairs, they show me the room, it was a massage room. Pretty normal. Then he came and, you know, I give him a massage.

Q Okay. I've talked to a lot of girls and a lot of girls have told me different things.

A Uh-huh.

Q Okay? So I'm very aware of what happens when you provide a massage. Okay?

A Yeah

Q When you got to the house you went there with [redacted]

A Yeah.

Q Okay. How did you come into the house? Do you remember?

A What do you mean?

Q Did you go into the front door?

A Yeah.

Q Did you come through the garage?

A Well, when you go inside there's like a door. I don't know if it's the front door. I don't know.

Q Is it a wood door?

A A wood door, yeah.

Q It is a wood door?

A It's probably the back because it goes through the kitchen.

Q It goes through the kitchen?

A Yeah.

Q Okay. And you were brought into the kitchen, right?

A Yeah.

Q Who was in the kitchen there?

A Oh, my God, it's so long ago.

Q So long ago?

A Yeah.

Q Okay.

A I don't remember.

Q Do you remember any of his assistants?

A [redacted]

Q [redacted]?

A She was the one.

Q She was the one that you met with?

A And there was the one that call me and I told her I wasn't going to do it anymore. I think her name was

DRAFT

1 [redacted]
2 Q [redacted]? Okay. So when you come into the house,
3 you go into the kitchen, you meet with some people there who
4 takes you up --
5 A With [redacted]
6 Q You met with [redacted]?
7 A Yeah. Then [redacted] say sit down and tell sit down
8 and everything. I go and call Jeffrey. That's what I was
9 confused when you say Jeff. I don't know any Jeff. And
10 then she takes me upstairs and [redacted] stays there and Faith
11 stays there like all the time while I'm upstairs.
12 Q Okay. Okay. So [redacted] takes you upstairs. Did
13 you use the stairs --
14 A Yes.
15 Q -- to go upstairs?
16 Okay. Do you recall anything weird when you were
17 going up the stairs?
18 A The pictures.
19 Q Okay. Pictures of what?
20 A Naked people.
21 Q Naked people. Okay. Okay. She brings you into
22 this you said it was a massage room?
23 A Yes.
24 Q Is Jeffrey already there?
25 A No.

1 Q No? What did you do next?
2 A I sit down there and she tells me just wait a
3 second. Then she comes back and we put like the little bed
4 for the massage and she's like okay, there's some lotions
5 and he'll be right out.
6 Q Okay.
7 A Then he comes in, he's like okay. Then he knows
8 my name already. I'm [redacted]. Then he's like okay, just a
9 massage.
10 Q Okay. When he came in was he in a towel? Was he
11 in a robe?
12 A No. He had like clothes. He was running or
13 something like that.
14 Q Had regular clothes on?
15 A Yeah.
16 Q And he got on the table with the clothes on?
17 A No. He took his clothes off and he puts like a
18 towel.
19 Q He put a little towel over him. Okay. So at any
20 point did you see him naked?
21 A Not on the first time.
22 Q No. Okay. So he lays on the bed, massage bed
23 with his towel and you start massaging him. Do you remember
24 where you provided the massage?
25 A On the back and his legs.

1 Q On his back and on his legs. Okay. How were you
2 dressed when you were giving the massage?
3 A I was in jeans and a T-shirt.
4 Q Okay. Okay. At any point did he ask you to
5 remove your clothes?
6 A Yeah.
7 Q Okay. This is during the first massage?
8 A Yeah. And I say no.
9 Q And you said no. Okay. Okay. Do you continue
10 with the massage?
11 A Yeah. It was kind of weird that he asked me take
12 my clothes off.
13 Q Okay. So take me through then from there. You're
14 doing the massage?
15 A I do the massage. After I finish he's like okay.
16 Actually he pay me before I start doing the massage.
17 Q He paid. How much did he pay you?
18 A $200.
19 Q $200. At any time during when you're giving him
20 the massage, did he ever turn over --
21 A Yeah.
22 Q -- onto his back?
23 A Uh-huh.
24 Q Okay. Tell me what happened after that.
25 A I massage like on I don't know how you say it.

1 Q in his chest area?
2 A On his chest, yeah.
3 Q During the time you're massaging him on his chest,
4 is he touching himself?
5 A Yes.
6 Q Okay. Explain, explain that to me.
7 A Well, he start getting a little excited about it
8 and he start touching himself and I told him stop, and that,
9 that was it.
10 Q Okay. When you mean by touching himself, you mean
11 he was masturbating?
12 A Yes.
13 Q And you told him to stop?
14 A No. I didn't tell him to stop.
15 Q Oh, okay. Okay. So while you're rubbing his
16 chest, did he ever take off his towel?
17 A No.
18 Q So how would he be able to masturbate if --
19 A Well, like he had his hand under the towel.
20 Q Under. So you never saw him. Did you ever see
21 him naked?
22 A No. Not the first time but I saw him like the
23 second time.
24 Q Okay. Okay. Okay. So then you did your ma --
25 continued with your massage?

DRAFT

A Yes.
Q Okay. What else happened after that?
A Nothing else. After I was finished. Actually like it was supposed to be an hour. But the first time it was just 30 minutes.
Q Okay. The time you were rubbing his chest and he was masturbating, did he ever climax?
A No.
Q You know what I mean by that?
A Yeah.
Q Okay. How did you end the massage? Did he just say that's enough?
A Yeah.
Q Okay. Okay. So then you went back downstairs?
A Yeah. And I say to [redacted] kay, I'm done, and we left.
Q Okay. Did he ever ask you to leave your telephone number to call you back if you wanted to work?
A He asked [redacted] for my phone number.
Q He asked [redacted] for your phone number?
A Yeah.
Q Did [redacted] give him your phone number?
A (Nods head yes.)
Q Okay. Did [redacted] get paid for taking you?
A Yes.

Q How much did she get paid?
A $200
Q She got paid $200 for taking you as well. Okay. So tell me about the second time.
A Second time I don't remember who took me. I never went by my self. I was scared to go but it was kind of like the same. Same situation than the first one but he offer me more money just to take my shirt off and I didn't do it and he was the same. He did the same things and then he took his towel off
Q Okay.
A And like after he was done like he never like got to the climax. I never saw him.
Q You never saw him?
A (Shakes head no.)
Q Okay. You were going to [redacted]
A Yeah. That's how everything started.
Q That's how everything started?
A Half of the school knew about it.
Q Half of the school knew about it? Let me, let me back up for a second. You go the second time. Who calls you to go back to the house?
A [redacted]
Q [redacted] calls you. Now you make an appointment to go to go work.
A Yes.
Q Okay. The same thing, you go into the back door to the kitchen area?
A Uh-huh.
Q You meet with [redacted]?
A Yeah. And she takes me upstairs.
Q She takes you upstairs. Okay. He offered you more money to get naked?
A Yes. Well, he told me just to take my shirt off. He didn't say anything else.
Q Okay. Okay. And did you?
A No.
Q No. But that's not the only two times you'd gone. You've gone more times?
A It was like around three, four times and then I just -- I was just scared that he was gonna do something.
Q Did he ever photograph you?
A No. Not that I know.
Q Did he ever take videos of you?
A No.
Q Okay. Did you ever give the massage with any other woman?
A No.
Q Okay. Did you ever get naked while doing the

massage? Any of the massages?
A Once.
Q Once.
A But it was in my underwear. It was never completely naked.
Q Okay. You stayed in your bottom? Underwear?
A And my top.
Q And your top. So you stayed in bra and panties?
A (No audible response.)
Q Okay.
A I think there was one that I take my bra off but that was it.
Q Okay. And each time you went did he offer you more monies to do more things?
A Yes. Actually I knew that because of [redacted] she (inaudible). [redacted] I don't know her last name.
Q Okay.
A Because she ask me, she says he'd offer more money if I have sex with him and I said that's never going to happen. There's no way I'm going to do that for money.
Q Okay. And by having sex means intercourse or --
A Yes, I guess. I don't know. I don't like talking about it.
Q Okay. The second time, did he offer you more money to do more things?

DRAFT

A Yeah. $100 more just to take my shirt off.
Q Okay. And you said you didn't do it.
A No.
Q Okay. Did he masturbate on the second time?
A Yeah.
Q And did he ever climax?
A Actually the second time like it wasn't that bad because he was like on the phone all the time and so he wasn't paying attention to what was going on.
Q Did he ever at any point masturbate the second time?
A No. Not that I remember.
Q Did he ever ask you any questions or speak to you or ask you anything?
A Well, he tried to talk to you just to make you comfortable with the situation like where do you work and like how much do you make at your work and then he start saying you can make more with me, but I didn't feel like it was right.
Q Did he ever know your real age?
A After a while like because somebody told him.
Q That you were --
A Yeah.
Q -- 17?
A Like [redacted] told us, we were supposed to say we

were 18.
Q And who told you that to say that?
A [redacted] **(Video at 14:57)**
Q [redacted]
A [redacted] was the one who brought everything to everyone at school. That's how we know about it. Then she took [redacted] and [redacted] took me. **(Audio 15:02)**
Q Okay. So each time you did go, did [redacted] get money for taking you or --
A Well, [redacted] went with me twice I guess. And that was it. Then I went with [redacted]
Q Okay. And did she make money? Did [redacted] make money for taking you to him?
A No. I was taking her.
Q Oh, you were taking her. So you brought --
A She knew about it and she ask me if I could tell her because she didn't know where it was. But I didn't get money out of that.
Q Okay. Did anybody ever help you do a massage with him?
A No. [redacted] asked me to do it with her and I didn't feel comfortable.
Q All right. All right. Talk to me about the third time you went.
A I don't remember. it was like kind of always --

it was always -- it was the same.
Q It was the same?
A It was the same.
Q Obviously more stuff happened because, you know, he paid you more to do more things, right?
A Yeah. The third time it was when I took my shirt off.
Q Stayed with your bra or were you --
A Stayed in my bra.
Q Okay.
A And that was when he paid me 300.
Q He paid you 300 for that?
A Uh-huh.
Q And same thing --
A Yeah.
Q He came in. Was he naked again?
A Yeah.
Q Okay. You gave him a massage and at that point was he still playing with himself?
A Yeah.
Q Masturbating?
A Uh-huh.
Q Okay. Do you know if at any point did he ever climax during this?
A No.

Q Okay. How would the massages end? Would he just say that's it, that's enough?
A Yeah, he would just stand up and take a shower and I could grab my things and leave.
Q Okay. All right. Talk to me about the part when you got down to your underwear
A That was the last time that I saw him.
Q When was the last time? Was that --
A It was long ago. More than six months ago.
Q You sure it's not any time sooner than that?
A I don't remember. I like I told [redacted] I didn't want to do it anymore. I was scared he was going to do something.
Q Okay. Why do you say you were scared he was going to do something?
A Because I like know he has a lot of girls and I don't know, like he was offering [redacted] more money for it. Like I think he bought her a car or something like that. She just got a car and she told me he got it for her.
Q Do you know what kind of car it was?
A I think it's a Dodge or something.
Q A Dodge?
A And then she like then had money for anything and she ended up going to Europe for like the summer.
Q Did she go with him?

DRAFT

1 A I don't know. We never talk about it because I
2 was -- I didn't like the whole situation.
3 Q Okay. Did he ever touch you?
4 A Yeah.
5 Q In what way?
6 A My back and my butt.
7 Q Did he ever, did he ever take out any toys?
8 A No.
9 Q Did he ever touch your breast area?
10 A (Nods head yes.)
11 Q Did he touch your vaginal area?
12 A Yeah.
13 Q All right. Did he touch you with his hands or
14 with something else?
15 A With his hands.
16 Q Okay. Okay. Was this over your underwear or
17 under?
18 A Over my underwear.
19 Q Over or under?
20 A Over.
21 Q Over. Did he ever insert his fingers in you?
22 A (Shakes head no.)
23 Q And as he was doing this, he was paying more
24 money?
25 A The maximum that he paid me was 300.

1 Q Three hundred. And that was the last time you
2 went?
3 A (Nods head yes.)
4 Q When he touched your breast area, you didn't have
5 a bra on?
6 A I didn't have a bra on.
7 Q You didn't have a bra on. And your buttocks?
8 A Uh-huh.
9 Q Was that over your panties or under your panties?
10 A Like I have a thong on so...
11 Q You had thongs. Okay. All right. Did he pull
12 you close to him?
13 A Yeah.
14 Q And all this while he was masturbating?
15 A (Nods head yes.)
16 Q Did he have you touch him?
17 A No. **(Video at 20:22)**
18 Q Aside from the massage, touch him in his penis
19 area?
20 A Huh-huh. No.
21 Q Did you bring anyone else other than --
22 A [redacted]
23 Q --[redacted]
24 A [redacted]
25 Q [redacted] Do you know [redacted] last name?

1 A No. No idea.
2 Q How about [redacted]
3 A [redacted]
4 Q Does she also go to [redacted]?
5 A Uh-huh.
6 Q And what about [redacted]?
7 A Yes.
8 Q Did you receive monies for taking [redacted] and
9 [redacted]
10 A [redacted]
11 Q Did you receive money for [redacted] or --
12 A I don't remember. I'm pretty sure I didn't.
13 Q Okay. When was the last time you had contact with
14 anyone from the house?
15 A Well, I don't know because she told me they were
16 going to New York the last time we talked. The last time I
17 went.
18 Q What's a while ago?
19 A Probably two months or more.
20 Q Who called you?
21 A [redacted]
22 Q [redacted] And she said that she was going where?
23 A They were going to New York.
24 Q New York? Nobody else from the house has called
25 you to say the police are looking into it?

1 A (Shakes head no.)
2 Q Okay. This case is basically an investigation, an
3 open investigation, so I appreciate it what we discuss stays
4 here. Okay?
5 A Uh-huh.
6 Q Don't tell anybody that we, that we talked. Okay?
7 A Okay.
8 Q Did you ever have any intercourse with him?
9 A No. **(Video at 22:41)**
10 Q No oral?
11 A (Shakes head no.)
12 Q Nothing?
13 A Nothing else.
14 Q Okay. I'm going to show you a group of
15 photographs. I'm going to show you a group of six
16 photographs. Okay? I'm trying, trying to see if this [redacted]
17 is in these six photos. Okay? It's important that you look
18 at all six of them and be sure who you pick as the person as
19 [redacted]. Okay? She may or may not be in these six photos but
20 it's important for you to pick the right one. Okay?
21 A Uh-huh.
22 Q Take your time looking at those six photos there.
23 A I don't see her.
24 Q She's not in those photos there?
25 A No.

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DRAFT

Q How would you describe [redacted]
A She would be here but she's [redacted] She's [redacted]
and [redacted] She looks like her but I'm not sure
Q Okay. That's why I needed you to be absolutely
sure. I appreciate you being honest and not picking anyone
out because that's important You know? You have my card,
right?
A No, I lost it. Like I think I left it at my job.
Q Okay. I gave your sister one. That's my card.
A You went back to my house?
Q Yeah, I went by today. She's the one who gave me
your cell. Your sister
A You tell her what it was?
Q No. No. I just told her that you were a witness
and I needed to talk to you.
A Is he going to know anything about any of this?
Q About the investigation? Eventually I'm sure he
will find out about the investigation. I would appreciate
it if anyone did contact you that you call me and give me
just -- basically let me know that somebody called you.
A If they call me?
Q If they call you. Is there anything else you'd
like to add to this statement or --
A No. I'm just scared that he's gonna know
Q Why are you scared of him?

A That he's gonna do something.
Q He's not gonna do anything.
What did he tell you he did for a living?
A He was in brain something. He studied the brain.
Q He's an investor and that's it. Just a money
investor That's it It's not -- half of the things that
he told some of these people, he's just a money investor.
That's it. So don't be afraid. And if they do call you,
just call me and let me know.
A If they ask me to come over there should I just
say no? Like I don't want to go
Q You haven't been there?
A (Shakes head no.)
Q When is the last time you said you were there?
A Like three, four months ago. Longer than that. I
don't remember.
Q I think it's about three or four months ago. I
think it's three or four months ago because -- is there
anything else you'd like to add?
A Not really.
Q No? Okay. I appreciate you coming down. And let
me walk you out.
A Is something going to happen to me?
Q No. No. I just, like I said, you're not in any
trouble whatsoever. I just wanted to talk to you. I

appreciate you coming down. Okay?
A Thank you.
Q All right.
(Thereupon, the interview ended.)
- - -

TAB 11

U.S. Department of Justice

Office of Legislative Affairs

Office of the Assistant Attorney General

Washington, D.C. 20530

November 9, 2007

The Honorable John Conyers, Jr.
Chairman
Committee on the Judiciary
U.S. House of Representatives
Washington, D.C. 20515

Dear Mr. Chairman:

This letter presents the views of the Department of Justice (the Department or DOJ) on H.R. 3887, the "William Wilberforce Trafficking Victims Protection Reauthorization Act of 2007," as introduced by Congressman Lantos on October 18, 2007. The Department has significant concerns, which are detailed below in a section-by-section analysis. The proposed legislation, as drafted, would eliminate the Department's role in several important steps in the victim identification process, and thereby negatively impact our ability to ensure the safety of victims and their families, rescue additional victims, and apprehend and prosecute human traffickers; it would broaden the criminal statutes regarding prosecution in a manner that detracts from effective enforcement efforts and raises serious federalism implications; and it would unconstitutionally intrude into Executive authority.

1. **Section 102**

The provision in subsection (e)(2)(B) authorizing the Director of the Office to Monitor and Combat Trafficking in Persons (G/TIP) at the Department of State to interview victims should clarify that the Director is authorized to do so only with the consent of the Attorney General in any case where an ongoing investigation or prosecution may exist. Otherwise, serious issues could arise that would complicate or even scuttle prosecution. For example, any statements made to the Director would presumptively have to be turned over to the defense and any statements that contradict statements made to law enforcement or prosecutors would be required to be turned over to the defense.

2. **Section 103**

DOJ finds section 103 unnecessary and duplicative of existing efforts and, therefore, opposes its inclusion in the bill. DOJ and other Federal agencies are already offering the types of assistance that are described in the section. Furthermore, the new subsection (a)(i)(3) would require the United States Government to provide "technical assistance to provide legal frameworks and other programs to foreign governments and nongovernmental organizations to

ensure that foreign migrant workers are provided protection equal to nationals of the foreign country." This provision does not differentiate between legal and non-legal migrant workers, nor does it distinguish between forced labor and non-coerced migrant labor. DOJ believes that any international standard that we promote must mirror our domestic standards. Similarly, the new subsection (a)(i)(4) could be read as encouraging countries to loosen their immigration laws, something that the United States Government might not be willing to do.

Subsection (b) amends the Foreign Assistance Act of 1961 (22 U.S.C. § 2151 *et seq*) to provide specific assistance for anti-trafficking investigation and prosecution units in foreign countries. This subsection could be construed as prioritizing sex trafficking over labor trafficking. As stated above, DOJ believes that any international standard that we promote must mirror our domestic standards, which prioritize both sex trafficking and labor trafficking. Further, the amendment to 22 U.S.C. § 2152(d)(a)(2) should include a reference to labor trafficking and should, therefore, read "including investigation of individuals and entities that may be involved in trafficking in persons involving sexual exploitation or forced labor."

3. **Section 104**

The Department objects to the language in this section that specifies the groups with which the United States Government must consult and coordinate in offering assistance and protection to victims of human trafficking. Such language both places undue restrictions on the United States Government and could limit the Government's ability to deal with some necessary groups. It has been the consistent practice of the Department to consult widely with a range of stake holders and others before designing a program of foreign assistance on human trafficking. Such an additional requirement in the statutory language is unnecessary. We suggest that the language be amended to read, "[i]n cooperation and coordination with organizations which may include the [UNHCR], the International Organization [for] Migration, and other relevant organizations...."

4. **Section 105**

DOJ recommends that subsection (a) also require that the effectiveness of assistance programs be measured based on best efforts to facilitate cooperation with law enforcement, along with the other criteria.

5. **Section 106**

DOJ opposes the bar in subsection (b)(1) against including cases in which probation or low sentences are given. Some of the most important cases are the ones against cooperating defendants that result in minimal sentences in exchange for information or testimony. Embassies should have the discretion to take such situations into account when evaluating foreign government efforts to combat trafficking. The Department recommends amending section (b)(1)(B) by striking "shall not be considered to be an" and inserting in its place "shall be considered on a case by case basis to determine if it will be considered an" so that it will give the Secretary of State greater flexibility in evaluating the efforts of other countries.

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The Department also objects to the new paragraph (11), which lists as a criterion for ascertaining whether the government in question has made "serious and sustained" efforts to eliminate trafficking "[w]hether the government has made serious and sustained efforts to reduce demand for commercial sex acts and for participation in international sex tourism by nationals of the country." We object to this language because it is vague and will, by implication, require the United States Government to evaluate itself under this "serious and sustained" standard. The Department prefers the language that was added by the 2005 reauthorization of the Trafficking Victims Protection Act, which evaluated whether countries "adopted measures" to reduce demand.

6. **Section 107**

Section 107(a) of the Act raises separation of powers and *Chadha* concerns. Section 107(a) would add a new 22 U.S.C. § 7107(b)(3)(D), which would limit the amount of time that a country could remain on the Tier II Watch List to two years, "unless the Secretary of State provides to the appropriate congressional committees credible evidence that" the country had taken certain steps to make significant efforts to counter trafficking. That provision further requires that "[s]uch credible evidence" shall be provided to Congress in a report.

To the extent that section 107(a) purports to give congressional committees authority to determine whether the Secretary's decision to exempt a country from the watch list is based on sufficiently "credible evidence," the provision would give the committees a role in executing the law that the Constitution does not allow. "[O]nce Congress makes its choice in enacting legislation, its participation ends. Congress can thereafter control the execution of its enactment only indirectly—by passing new legislation"—that complies with the bicameralism and presentment requirements of Article I. *Bowsher v. Synar*, 478 U.S. 714, 733-34 (1986); *see also INS v. Chadha*, 462 U.S. 919, 951-52, 958 (1983). To avoid this concern, we recommend replacing "provides to the appropriate congressional committees credible evidence" with "determines;" and replacing "Such credible evidence" with "Such determination."

7. **Section 108**

DOJ opposes the requirement in section 108 to create a database "combining all applicable data collected by each Federal department and agency represented on the Interagency Task Force to Monitor and Combat Trafficking." The database would contain law enforcement sensitive information, which would prevent the data from being accessible to non-law enforcement agencies, many of which are a part of the interagency task force. Furthermore, such a database would be difficult to create, particularly within the timeframe provided in the statute, because it would require information from multiple agencies that collect data in varying forms and levels of specificity.

8. **Section 109**

This section authorizes the President to establish an award for efforts against trafficking and directs him to establish procedures for selecting recipients of the award. DOJ opposes this provision, as it interferes with the President's policy-making authority.

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9. **Section 110**

The Department opposes the statutory language in subsection 110(a)(1)(B) that specifically mentions the U.S. Government sponsored hotlines for reporting instances of trafficking in persons. Statutorily providing for the names of the hotlines would interfere with the President's policy-making authority to change the hotline structure at a later date. Furthermore, the Act, as written, misnames the hotlines.

10. **Section 201**

In section 201, the Department objects to the new subsection "(bb)." To the extent that such a subsection is necessary, a question that we defer to the Department of Homeland Security (DHS), the decision regarding cooperation should include the Attorney General in addition to the Secretary of the Department of Homeland Security, as it does in Section 201(b).

DOJ defers to DHS in regard to subsection (a)(1)(E), although we would note that by removing the "unusual and severe harm" standard, victims will be eligible for a T-visa upon a lower showing of "extreme hardship."

The Department also defers to DHS in regard to subsection (a)(2), which would extend T-visas to parents and siblings of trafficking victims. As a factual matter, however, the provision should be amended to strike any reference to "as a result of the alien's cooperation with law enforcement." Traffickers threaten victims to intimidate them into compliance with traffickers' demands and to retaliate for victims' escape, not because of law enforcement cooperation. It is counter-factual to describe the pattern of threats and retaliation as linked to law enforcement cooperation, and disregards the fact that threats often only subside when law enforcement takes measures to secure the family or punish the traffickers and their associates who threaten victims' families. Furthermore, it is unclear whether the reference to siblings encompasses both minor and adult siblings, and whether spouses and children of adult siblings would be eligible for a T-visa.

In subsection (b), DOJ opposes the new subsection (8)(B), which grants sole authority to the Secretary of DHS to consider whether "extreme hardship" exists. The new section, however, also requires consultation with "prosecutors," which presumably refers to prosecutors at DOJ, since DOJ is the lead prosecutorial agency for cases involving human trafficking. Since these prosecutors are under the Attorney General's authority, the consultation requirement should include consultation with the Attorney General.

Subsection (c)(1), which creates the new subsection (3)(A)(i) in section 107(c) of the Trafficking Victims Protection Act (TVPA), should limit applications for continued presence to those being made by "Federal" law enforcement officials. Limiting the applications to those submitted by Federal law enforcement assists in the victim identification process. The Department has established a memorandum of understanding with DHS that ensures that the Department's prosecutors are informed when investigators apply for continued presence. Furthermore, limiting the applications to those submitted by Federal law enforcement ensures the uniformity of standards in making the determination as to whether an individual is a victim of a

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severe form of trafficking in persons and eligible for continued presence. Finally, Federal law enforcement involvement in the process allows Federal prosecutors the ability to identify patterns of human trafficking activity that might span multiple local law enforcement jurisdictions. For these same reasons, the new subsection (3)(B) should add "Federal" before "law enforcement" to limit the authority to request parole for relatives to Federal law enforcement officials.

The new subsection (c)(3)(A)(ii) should add "endeavor to" after "shall" so that a legally actionable obligation is not created as to Federal law enforcement's role in protecting the safety of trafficking victims and family members. While the U.S. Government makes every effort to protect trafficking victims, the statutory language, as written, could be construed to create a legally cognizable right and could lead to litigation.

In the new subsection (c)(3)(A)(iii), DOJ opposes extending continued presence for the duration of a civil suit. It also raises the potential for abuse because of the lengthy and plaintiff/victim-controlled delays in conducting civil litigation. Furthermore, physical presence in the United States is not necessary for the successful maintenance of a civil action. Victims have other options to obtain status in the United States, such as T- and U-visas.

DOJ notes a technical change to subsection (d), which currently has two subsection (2)s. DOJ recommends striking the second "(2)" and replacing it with a "(3)."

11. Section 202

The Department opposes the language in section (a) that legislates the existence of a specific task force, such as the Trafficking in Persons and Worker Exploitation Task Force. DOJ recommends deletion of this reference and the replacement of the named task force with "the Attorney General."

DOJ also opposes the 120 day deadline in subsection (f) as unreasonable due to language barriers and translation needs.

12. Section 203

In subsections (a), (b)(1-2), and (c), DOJ opposes the language removing the Attorney General's role in determining whether the relevant applicant has complied with reasonable requests for assistance, an important factor in the decisions regarding T-visas, and that the investigation or prosecution is complete. Because the Department is involved in its prosecutorial as well as its investigative roles, DOJ participation is critical in assessing assistance with law enforcement, and it is well-situated to assess whether a victim has complied with reasonable requests for assistance that went through investigative agencies outside DHS, such as cases investigated by FBI or DOL. Therefore, a joint determination is appropriate because of the number of different law enforcement agencies that may be involved in a particular matter.

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13. Section 205

DOJ opposes the addition of the new subsection 240A(b)(6)(A) of the Immigration and Nationality 21 Act (8 U.S.C. 1229b(b)) unless the word "Federal" is added before "law enforcement official." The same proposed subsection currently states that the Secretary of the Department of Homeland Security "shall grant parole" to the relatives of trafficking victims. DOJ recommends changing this language to read "may grant parole" so the Secretary has the latitude to make an appropriate decision. There may be reasons pertaining to the circumstances of the relatives of the trafficking victim for which the Secretary should have discretion to deny parole. Further, DOJ finds it necessary to strike any reference to "as a result of the alien's cooperation with law enforcement" for the reasons noted above.

In subsection, (6)(B)(ii)(II), DOJ opposes a statutory requirement that parole be extended during pending civil actions. As indicated above, this action would create a potential for abuse because of the lengthy and plaintiff/victim-controlled delays in conducting civil litigation.

14. Section 211

The Department opposes the change of the "and" in subsection (1)(A) to an "or." Both the Attorney General and the Secretary of DHS need to be involved in the certification process. The current certification process is well-established and needs no statutory revisions. DOJ also opposes the change in subsection (1)(B), which would remove the Attorney General's authority in stating whether a person's presence is necessary in ensuring an effective prosecution. As the agency that prosecutes cases of human trafficking, DOJ's involvement is vitally important. The Department has the same concern with the proposed change in subsection (2).

15. Section 213

We strongly oppose the language in this section that inappropriately removes law enforcement from any initial determination of victim status or benefits eligibility. DOJ and DHS play a critical role in protecting the safety of victims and service providers. Any failure to involve Federal law enforcement immediately upon suspicion that a crime has been committed could threaten the safety of the victim, impeded efforts to promptly rescue victims still in jeopardy, and possibly man that the offenders avoid apprehension. DOJ recognizes the important of including HHS at the initial stages for the purpose of facilitating prompt delivery of the full range of available benefits and services to trafficking victims. DOJ will continue to work with DHS and HHS to ensure that interagency procedures afford victims of trafficking prompt protection and access to these services.

The Department further objects to the provision set forth in paragraph (G), which would require both Federal and state law enforcement officials to inform the Department of Health and Human Services (HHS) of the existence of a potential victim, but does not require HHS, other Government officials, or non-governmental service providers to inform Federal or state law enforcement of such a victim. To the extent that such a notification procedure must exist, it must also include notification to the Attorney General and the Secretary of DHS, who bear responsibility for prosecuting and investigating instances of human trafficking.

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DOJ also opposes subsection (b). Since the passage of the TVPA, DOJ has been one of the principal agencies conducting trainings for a multitude of audiences, including task forces and Federal, state, and local law enforcement, on the issue of trafficking in persons. The Department also has experience in conducting training on juvenile victims through the Innocence Lost National Initiative. Effective efforts to combat trafficking must mobilize the expertise of HHS, DHS, and DOJ.

DOJ also notes a misspelling in the new subsection (F)(ii)— "edibility" instead of "eligibility".

16. **Section 214**

Section 214 of the bill authorizes the Attorney General to make grants to assist victims of severe forms of trafficking up to $2.5 million in 2008, increasing to $15 million in 2011. The Department of Justice already has authority to make grants for the provision of services for crime victims and does so at a level in excess of $250 million a year. Also, the authorization of yet another grant program runs counter to the Administration's proposal in the 2008 Budget to consolidate DOJ's more than 70 grant programs.

Moreover, any provision purporting to expand or alter definitions of individuals of qualifying for victim benefits must include the requirement that a Federal law enforcement agent must declare the individual to be a victim of a severe form of trafficking in persons, and that the victim agree to cooperate in the investigation and prosecution, or that the victim be under the age of 18.

DOJ opposes the consultation requirement in subsection (a)(1) with the Secretary of State for establishing programs to serve domestic, U.S. citizen trafficking victims. Such domestic authority falls outside of the mission and expertise of the Department of State. DOJ also opposes the mandatory consultation with non-government organizations (NGOs) regarding the provision of services. This creates a conflict of interest since many of the NGOs will apply for and could receive grants under the program. Finally, any section regarding the provision of victim services must also contain language that includes organizations that provide services to "juveniles subjected to trafficking, as defined in section 203(g) of the Trafficking Victims Protection Reauthorization Act of 2005," which would ensure that the funds authorized to the Attorney General for establishment of grants will go toward the work and development of the Innocence Lost Task Forces.

DOJ opposes subsection (b) because it provides Victims of Crime Act of 1984 funds to prostitutes implicated in violations of the Mann Act (criminalizing transportation of prostitutes in interstate commerce). Such persons do not meet the legal definition of "victim" as that term is defined in the law, unless the person prostituted is under the age of 18 at the time the crime was committed or the person, through the application of another Federal statute or regulation, satisfies the legal definition of a victim. Such persons are already eligible under the Crime Victims Fund Act to receive benefits.

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DOJ opposes section 214(d), as it could be construed to require the Attorney General and the Secretary of Health and Human Services to make legislative recommendations to Congress in violation of the Recommendations Clause. To avoid this concern, we recommend inserting ", if any," after "recommendations" in section 214(d)(2)(E). Further, DOJ finds subsection (d) redundant. A thorough study of services available to domestic and foreign victims was conducted by the Senior Policy Operating Group in 2005-2006 and found few statutory differences between the treatment of domestic and foreign victims.

Subsection (d)(2)(C) contains a redundant statement. Victims of sex trafficking are victims of severe forms of trafficking in persons.

17. Section 221

In subsection (a), DOJ opposes the proposed change of removing the knowledge of an age requirement for violations of the juvenile provision in 18 U.S.C. § 1591(a). This runs counter to the criminal law goal of punishing culpable states of mind. This change of law would create a strict liability crime, similar to 18 U.S.C. § 2423(a), with a similarly severe 10 year mandatory minimum sentence. However, unlike section 2423(a), subsection (a) is exceedingly harsh in that it fails to set forth an affirmative defense. Therefore, the suggested subsection (a) would create a rare circumstance wherein there is a substantial mandatory minimum sentence for an already unusual strict liability crime. Accordingly, this provision is likely to face significant legal challenges.

DOJ opposes subsection (b) in its entirety. The proposed language is both over-inclusive and under-inclusive of human trafficking activities, and the language is vague. Moreover, the provision is unnecessary because section 1589 already prohibits many of these activities when they result in "serious harm," whether physical or emotional, to the victim.

The Department opposes subsection (f)(1), which would expand the Mann Act to include cases "affecting" interstate commerce. The Department does not require any additional statutory authority or expanded jurisdiction in order to continue its successful prosecution of human trafficking cases and related criminal conduct. Federal law prioritizes crimes in which victims have been trafficked as a result of force, fraud, or coercion, including the sex trafficking of children in which coercion is presumed, i.e., crimes that fall under the Thirteenth Amendment's prohibition on slavery and involuntary servitude, and commercial sex involving transportation in interstate commerce. The Department's record during the last six years demonstrates its success in investigating and prosecuting trafficking and related crimes and in convicting and securing appropriate sentences for traffickers.

At the same time, pandering, pimping, and prostitution-related offenses have historically been prosecuted at the state or local level. This allocation between state and Federal enforcement authority does not imply that these crimes are less serious, but rather reflects important structural allocations of responsibility between state and Federal governments. The federalization of these crimes would treat them differently than other serious crimes such as murder and rape, which are prosecuted at the state level. Kidnapping, similarly, is a Federal crime only when it involves transportation "in" interstate commerce. Furthermore, the

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Department is not aware of any reasons why state and local authorities are not currently able to pursue prostitution-related crimes such that Federal jurisdiction is necessary. Finally, due to the high volume of prostitution-related crimes, the Federal government lacks the necessary resources and capacity to prosecute these offenses.

Therefore, to the extent that this expansion of the Mann Act would federalize the criminal prosecution of pandering, pimping, and prostitution-related offenses, it is unnecessary and a diversion from Federal law enforcement's core anti-trafficking mission.

DOJ also opposes subsection (g), which would expand the sex tourism offenses to include those who travel for purposes of illicit sexual activity with adults. The Department's current efforts with regard to extraterritorial offenses focus on child sex tourism, which are very demanding and resource-intensive cases, requiring gathering evidence abroad, bringing victims to the United States to testify, and coordination with foreign law enforcement agencies and foreign governments generally, among other matters. Any expansion of authority would be a distraction from those priority cases and would exacerbate existing burdens on investigation and prosecution.

The Department believes that the addition of 18 U.S.C. § 2423A is unnecessary and that 18 U.S.C. § 2423 does not need to be amended.

Should Congress create 18 U.S.C. § 2423A, DOJ believes that language should be retained in 18 U.S.C. § 2423(e) that allows the Government to charge attempt or conspiracy for 18 U.S.C. § 2423(a) crimes. Finally, DOJ notes that the definition of illicit sexual conduct needs to be updated to include production of child pornography.

18. Section 222

As a general matter, the Department opposes the expansion of jurisdiction over offenses involving non-American offenders or victims that are committed outside the United States. The expansion of jurisdiction in this section would place an enormous strain on available resources. In addition, this new section's jurisdiction description overlaps with 18 U.S.C. § 3271. Should the choice be made to keep the jurisdictional provisions provided for in this section, perhaps it would be more effective to expand section 3271.

19. Section 223

These provisions are not directly related to trafficking. As this section is related to aliens brought into the country for the purposes of prostitution, without a showing of force, fraud, or coercion, and the International Marriage Brokers Act (IMBRA), this bill is not the vehicle for this language. Furthermore, subsection (a)(1) removes the requirement from section 278 of the Immigration and Nationality Act that such conduct be done in furtherance of the importation of the alien. By removing this requirement, the bill extends the statute to cover all instances of "pimping" an alien.

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20. Section 224

This section misunderstands the purpose and effect of the model law and should be deleted. The Department's model law was never designed to supplant pre-existing state laws which target pimping, pandering, or prostitution, but rather to supplement those laws. At the time that the Department's model law was issued, most states had comprehensive laws addressing prostitution, pimping, and pandering. However, most states did not have laws focused on human trafficking. The Department's law was designed to raise awareness of the issue of trafficking and to encourage states to closely examine cases to ensure that cases involving fraud, force, and coercion are not labeled as prostitution offenses. The Department believes the law has been successful in accomplishing this goal.

21. Section 231

The Department opposes any statutory changes to the annual report. The change in subsection (1) is unnecessary as this language is currently included in the annual report. The information requested in the new subsection (I) would be excessively burdensome to gather.

22. Section 232

DOJ opposes this addition as unnecessary. Human trafficking laws that do not require the proof of force, fraud, or coercion, namely laws that concern minor victims of severe forms of human trafficking, are already discussed at the annual conferences. To the extent that this provision would require the Department to discuss human trafficking laws pertaining to adult victims that do not require the showing of force, fraud, or coercion, such laws would not fall under the definition of human trafficking and the annual conference would be an inappropriate venue for the discussion of such laws. However, DOJ trafficking prosecutors utilize a wide range of statutes in addition to Chapter 77 offenses to address all criminal conduct associated with human trafficking. This includes the Mann Act, money laundering, visa fraud, immigration offenses, criminal labor violations, and extortion, in addition to other criminal statutes. Accordingly, DOJ training at annual conferences, the National Advocacy Center, the National Center for Missing and Exploited Children, and field training with the Department of Justice funded Human Trafficking Task Forces and provided through the Innocence Lost National Initiative include discussion on the importance of using all available criminal statutes as essential tools in charging decisions. Thus, this section is unnecessary.

23. Section 233

DOJ opposes the change to section 206 of the Trafficking Victims Protection Reauthorization Act of 2005, which would remove the discretion of agencies in informing the Senior Policy Operating Group (SPOG) of grants. Such a change could be read as giving the SPOG oversight authority over grants. It also fails to take into consideration situations where grant-making agencies may be unable to notify the SPOG of the grant.

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24. Section 234

The Department opposes subsection (a) as an excessively burdensome and unnecessary creation of a new layer of bureaucracy within our agency. The Department does not believe that there is currently any lack of coordination, and a new position could lead to duplication of efforts. Furthermore, subsection (a)(2)(A) incorrectly lists the Civil Division and not the Civil Rights Division.

25. Section 236

In subsection (a), DOJ questions the reliability of the congressional findings, especially with respect to the estimated number of victims and the inference that the lack of child victims is directly related to a lack of education individuals who may come into contact with human trafficking victims. Such findings, without a full body of evidence, are counter-productive.

The Department also opposes subsection (b). The Attorney General should be involved in any program that focuses on combating child trafficking at the border. We propose that section (b)(1) is amended to read "The Secretary of Homeland Security, in conjunction with the Secretary of State, Attorney General, and the Secretary of Health and Human Services." Further, most of the children interdicted at the border are used for smuggling and are not trafficking victims. In subsection (b)(5)(D), DOJ believes that the proceedings for removal to non-contiguous countries are problematic because DHS needs more flexibility to handle gang members, terrorists, repeat offenders, and state offenders. Furthermore, the terrorism exception provided is too narrow to protect the national security interests of the country.

We oppose subsection (c)(1) to the extent that it limits the Administration's ability to determine the best arrangement for custody or various classes of UACs. The administration will work with DHS, DOJ, and HHS to refine and modify current detention practices where necessary. The interagency process is the best forum to consider the various interests of unaccompanied minors and law enforcement and to develop and adapt policies that, among other things, provide for the safety of all concerned. We look forward to discussing these developments with Congress in the future.

The Department opposes subsection (d)(2) as too narrowly construed. There are numerous reasons, outside of the child proving to be a danger to himself or others, that require children to be kept in a secure facility, including the safety of the child from danger that is not self-imposed. In addition, the standard for placing minors in "secure" care is too strict. It requires the "least restrictive setting that is in the best interest of the child." HHS only places 1.4 percent of minors in its care into a "secure" custody arrangement. This could mean that minors who need this arrangement would instead be housed with children who have no history of violence or criminal behavior. HHS needs more flexibility and there should not, therefore, be required to make an "independent finding" of the child's danger to self or others.

DOJ opposes the language of subsection (d)(3)(c) that would afford HHS access to law enforcement sensitive databases.

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The language of subsection (d)(5) must be changed from "shall ensure." This implies a legal obligation on the Federal government to provide counsel and a concomitant right on behalf of victims to government-funded counsel, which is inappropriate and would subject the government to litigation over the nature and scope of the purported obligation and right.

The Department also opposes subsection (d)(6), which creates a guardian ad litem program. Such program raises serious conflict of interest concerns, and DOJ has opposed similar language in the past. Establishment of a guardian ad litem program is also unnecessary in that 18 U.S.C. §3509(h) already sets forth detailed procedures which provide for court appointed guardians ad litem for children who are victims of or witnesses to crimes involving abuse or exploitation.

Subsection (d)(7) may result in unintended consequences due to this confidentiality section. To effectively combat trafficking, relevant information must be transmitted to law enforcement. Law enforcement is well-equipped to preserve confidentiality concerns.

The Department believes that subsection (e) undermines the 1997 Special Immigrant Juvenile reforms and opposes turning this back over to the states, where it was inherently flawed.

In section 236(j), the effect of the apparent retroactivity of the general applicability of these amendments to "all aliens in the United States before, on, or after the date of enactment of this Act" raises serious concerns about the provision of benefits and services and has the potential to create serious problems for the Department in its implementation of the programs described in this section.

26. <u>Section 301</u>

DOJ recommends striking the 2 percent cap on funding for training and technical assistance that is in 22 U.S.C. 7105(b)(2)(B). The unique complexity of the trafficking issue and the level of coordination necessary to effectively serve trafficking victims requires much more training and technical assistance than a typical OJP program. Striking the cap on training and technical assistance will allow OJP to better allocate the trafficking funds it receives. The change could be implemented by the following statutory language:

"Paragraph 107(b)(2)(B)of Pub. L. 106-386 is amended by:
"(1) inserting 'and' after the first semicolon;
"(2) striking '(ii)' through ';and'; and
"(3) striking '(iii)' and inserting '(ii).'"

27. <u>Section 302</u>

Section 302 re-authorizes the $5,000,000 appropriation for the Pilot Program that was first authorized by Section 203 of the 2005 version of this Act. The 2007 version, therefore, should add language amending section 203 of the 2005 version to provide that HHS does not have the exclusive authority for development of the pilot program. DOJ and DHS must be included in the development of this program to ensure that the ability of Federal prosecutors and

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law enforcement to gain access to these victims is not negatively impacted. Moreover, the Departments' knowledge about these victims, their behaviors, and the dangers that are inherent in providing shelter and services to them would be instrumental to ensuring the success of the pilot program. This section should also amend subsection 203(a) of the 2005 reauthorization to include after "Secretary of Health and Human Services", "in collaboration with the Attorney General and the Secretary of Homeland Security," Subsection 203(c) should be likewise amended.

The Office of Management and Budget has advised that there is no objection to the presentation of this letter from the standpoint of the Administration's programs.

Sincerely,

Brian A. Benczkowski
Principal Deputy Assistant Attorney General

cc: The Honorable Lamar S. Smith, Ranking Member, House Committee on the Judiciary
The Honorable Tom Lantos, Chairman, House Committee on Foreign Affairs
The Honorable Ileana Ros-Lehtinen, Ranking Member, House Committee on Foreign Affairs
The Honorable Patrick J. Leahy, Chairman, Senate Committee on the Judiciary
The Honorable Arlen Specter, Ranking Member, Senate Committee on the Judiciary
The Honorable Edward M. Kennedy, Chairman, Senate Committee on Health, Education, Labor, and Pensions
The Honorable Michael B. Enzi, Ranking Member, Senate Committee on Health, Education, Labor, and Pensions
The Honorable Joseph Biden, Chairman, Senate Committee on Foreign Relations
The Honorable Richard Lugar, Ranking Member, Senate Committee on Foreign Relations

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TAB 12

PRESIDENTIAL AUTHORITY TO DECLINE TO EXECUTE UNCONSTITUTIONAL STATUTES

This memorandum discusses the President's constitutional authority to decline to execute unconstitutional statutes.

November 2, 1994

MEMORANDUM FOR THE HONORABLE ABNER J. MIKVA
COUNSEL TO THE PRESIDENT

I have reflected further on the difficult questions surrounding a President's decision to decline to execute statutory provisions that the President believes are unconstitutional, and I have a few thoughts to share with you. Let me start with a general proposition that I believe to be uncontroversial: there are circumstances in which the President may appropriately decline to enforce a statute that he views as unconstitutional.

First, there is significant judicial approval of this proposition. Most notable is the Court's decision in Myers v. United States, 272 U.S. 52 (1926). There the Court sustained the President's view that the statute at issue was unconstitutional without any member of the Court suggesting that the President had acted improperly in refusing to abide by the statute. More recently, in Freytag v. Commissioner, 501 U.S. 868 (1991), all four of the Justices who addressed the issue agreed that the President has "the power to veto encroaching laws . . . or even to disregard them when they are unconstitutional." Id. at 906 (Scalia, J., concurring); see also Youngstown Sheet & Tube Co. v. Sawyer, 343 U.S. 579, 635-38 (1952) (Jackson, J., concurring) (recognizing existence of President's authority to act contrary to a statutory command).

Second, consistent and substantial executive practice also confirms this general proposition. Opinions dating to at least 1860 assert the President's authority to decline to effectuate enactments that the President views as unconstitutional. See, e.g., Memorial of Captain Meigs, 9 Op. Att'y Gen. 462, 469-70 (1860) (asserting that the President need not enforce a statute purporting to appoint an officer); see also annotations of attached Attorney General and Office of Legal Counsel opinions. Moreover, as we discuss more fully below, numerous Presidents have provided advance notice of their intention not to enforce specific statutory requirements that they have viewed as unconstitutional, and the Supreme Court has implicitly endorsed this practice. See INS v. Chadha, 462 U.S. 919, 942 n.13 (1983) (noting that Presidents often sign legislation containing constitutionally objectionable provisions and indicate that they will not comply with those provisions).

While the general proposition that in some situations the President may decline to enforce unconstitutional statutes is unassailable, it does not offer sufficient guidance as to the appropriate course in specific circumstances. To continue our conversation about these complex issues, I offer the following propositions for your consideration.

1. The President's office and authority are created and bounded by the Constitution; he is required to act within its terms. Put somewhat differently, in serving as the executive created by the Constitution, the President is required to act in accordance with the laws -- including the Constitution, which takes precedence over other forms of law. This obligation is reflected in the Take Care Clause and in the President's oath of office.

2. When bills are under consideration by Congress, the executive branch should promptly identify unconstitutional provisions and communicate its concerns to Congress so that the provisions can be corrected. Although this may seem elementary, in practice there have been occasions in which the President has been presented with enrolled bills containing constitutional flaws that should have been

corrected in the legislative process.

3. The President should presume that enactments are constitutional. There will be some occasions, however, when a statute appears to conflict with the Constitution. In such cases, the President can and should exercise his independent judgment to determine whether the statute is constitutional. In reaching a conclusion, the President should give great deference to the fact that Congress passed the statute and that Congress believed it was upholding its obligation to enact constitutional legislation. Where possible, the President should construe provisions to avoid constitutional problems.

4. The Supreme Court plays a special role in resolving disputes about the constitutionality of enactments. As a general matter, if the President believes that the Court would sustain a particular provision as constitutional, the President should execute the statute, notwithstanding his own beliefs about the constitutional issue. If, however, the President, exercising his independent judgment, determines both that a provision would violate the Constitution and that it is probable that the Court would agree with him, the President has the authority to decline to execute the statute.

5. Where the President's independent constitutional judgment and his determination of the Court's probable decision converge on a conclusion of unconstitutionality, the President must make a decision about whether or not to comply with the provision. That decision is necessarily specific to context, and it should be reached after careful weighing of the effect of compliance with the provision on the constitutional rights of affected individuals and on the executive branch's constitutional authority. Also relevant is the likelihood that compliance or non-compliance will permit judicial resolution of the issue. That is, the President may base his decision to comply (or decline to comply) in part on a desire to afford the Supreme Court an opportunity to review the constitutional judgment of the legislative branch.

6. The President has enhanced responsibility to resist unconstitutional provisions that encroach upon the constitutional powers of the Presidency. Where the President believes that an enactment unconstitutionally limits his powers, he has the authority to defend his office and decline to abide by it, unless he is convinced that the Court would disagree with his assessment. If the President does not challenge such provisions (i.e., by refusing to execute them), there often will be no occasion for judicial consideration of their constitutionality; a policy of consistent Presidential enforcement of statutes limiting his power thus would deny the Supreme Court the opportunity to review the limitations and thereby would allow for unconstitutional restrictions on the President's authority.

Some legislative encroachments on executive authority, however, will not be justiciable or are for other reasons unlikely to be resolved in court. If resolution in the courts is unlikely and the President cannot look to a judicial determination, he must shoulder the responsibility of protecting the constitutional role of the presidency. This is usually true, for example, of provisions limiting the President's authority as Commander in Chief. Where it is not possible to construe such provisions constitutionally, the President has the authority to act on his understanding of the Constitution.

One example of a Presidential challenge to a statute encroaching upon his powers that did result in litigation was Myers v. United States, 272 U.S. 52 (1926). In that case, President Wilson had defied a statute that prevented him from removing postmasters without Senate approval; the Supreme Court ultimately struck down the statute as an unconstitutional limitation on the President's removal power. Myers is particularly instructive because, at the time President Wilson acted, there was no Supreme Court precedent on point and the statute was not manifestly unconstitutional. In fact, the constitutionality of restrictions on the President's authority to remove executive branch officials had been debated since the passage of the Tenure of Office Act in 1867 over President Johnson's veto. The closeness of the question was underscored by the fact that three Justices, including Justices Holmes and Brandeis, dissented in Myers. Yet, despite the unsettled constitutionality of President Wilson's action, no member of the Court in Myers suggested that Wilson overstepped his constitutional authority -- or

even acted improperly -- by refusing to comply with a statute he believed was unconstitutional. The Court in Myers can be seen to have implicitly vindicated the view that the President may refuse to comply with a statute that limits his constitutional powers if he believes it is unconstitutional. As Attorney General Civiletti stated in a 1980 opinion,

> Myers is very nearly decisive of the issue [of Presidential denial of the validity of statutes]. Myers holds that the President's constitutional duty does not require him to execute unconstitutional statutes; nor does it require him to execute them provisionally, against the day that they are declared unconstitutional by the courts. He cannot be required by statute to retain postmasters against his will unless and until a court says that he may lawfully let them go. If the statute is unconstitutional, it is unconstitutional from the start.

The Attorney General's Duty to Defend and Enforce Constitutionally Objectionable Legislation, 4A Op. O.L.C. 55, 59 (1980).

7. The fact that a sitting President signed the statute in question does not change this analysis. The text of the Constitution offers no basis for distinguishing bills based on who signed them; there is no constitutional analogue to the principles of waiver and estoppel. Moreover, every President since Eisenhower has issued signing statements in which he stated that he would refuse to execute unconstitutional provisions. See annotations of attached signing statements. As we noted in our memorandum on Presidential signing statements, the President "may properly announce to Congress and to the public that he will not enforce a provision of an enactment he is signing. If so, then a signing statement that challenges what the President determines to be an unconstitutional encroachment on his power, or that announces the President's unwillingness to enforce (or willingness to litigate) such a provision, can be a valid and reasonable exercise of Presidential authority." Memorandum for Bernard N. Nussbaum, Counsel to the President, from Walter Dellinger, Assistant Attorney General, Office of Legal Counsel at 4 (Nov. 3, 1993). (Of course, the President is not obligated to announce his reservations in a signing statement; he can convey his views in the time, manner, and form of his choosing.) Finally, the Supreme Court recognized this practice in INS v. Chadha, 462 U.S. 919 (1983): the Court stated that "it is not uncommon for Presidents to approve legislation containing parts which are objectionable on constitutional grounds" and then cited the example of President Franklin Roosevelt's memorandum to Attorney General Jackson, in which he indicated his intention not to implement an unconstitutional provision in a statute that he had just signed. Id. at 942 n.13. These sources suggest that the President's signing of a bill does not affect his authority to decline to enforce constitutionally objectionable provisions thereof.

In accordance with these propositions, we do not believe that a President is limited to choosing between vetoing, for example, the Defense Appropriations Act and executing an unconstitutional provision in it. In our view, the President has the authority to sign legislation containing desirable elements while refusing to execute a constitutionally defective provision.

We recognize that these issues are difficult ones. When the President's obligation to act in accord with the Constitution appears to be in tension with his duty to execute laws enacted by Congress, questions are raised that go to the heart of our constitutional structure. In these circumstances, a President should proceed with caution and with respect for the obligation that each of the branches shares for the maintenance of constitutional government.

Walter Dellinger
Assistant Attorney General

Brief Description of Attached Materials

Attorney General Opinions

1) Memorial of Captain Meigs, 9 Op. Att'y Gen. 462 (1860): In this opinion the Attorney General concluded that the President is permitted to disregard an unconstitutional statute. Specifically, Attorney General Black concluded that a statute purporting to appoint an officer should not be enforced: "Every law is to be carried out so far forth as is consistent with the Constitution, and no further. The sound part of it must be executed, and the vicious portion of it suffered to drop." Id. at 469.

2) Constitutionality of Congress' Disapproval of Agency Regulations by Resolutions Not Presented to the President, 4A Op. O.L.C. 21 (1980): In this opinion Attorney General Civiletti instructed Secretary of Education Hufstedler that she was authorized to implement regulations that had been disapproved by concurrent congressional resolutions, pursuant to a statutory legislative veto. The Attorney General noted that "the Attorney General must scrutinize with caution any claim that he or any other executive officer may decline to defend or enforce a statute whose constitutionality is merely in doubt." Id. at 29. He concluded, however, that "[t]o regard these concurrent resolutions as legally binding would impair the Executive's constitutional role and might well foreclose effective judicial challenge to their constitutionality. More important, I believe that your recognition of these concurrent resolutions as legally binding would constitute an abdication of the responsibility of the executive branch, as an equal and coordinate branch of government with the legislative branch, to preserve the integrity of its functions against constitutional encroachment." Id.

3) The Attorney General's Duty to Defend and Enforce Constitutionally Objectionable Legislation, 4A Op. O.L.C. 55 (1980): Attorney General Civiletti, in answer to a congressional inquiry, observed that "Myers holds that the President's constitutional duty does not require him to execute unconstitutional statutes; nor does it require him to execute them provisionally, against the day that they are declared unconstitutional by the courts." Id. at 59. He added as a cautionary note that "[t]he President has no `dispensing power,'" meaning that the President and his subordinates "may not lawfully defy an Act of Congress if the Act is constitutional. . . . In those rare instances in which the Executive may lawfully act in contravention of a statute, it is the Constitution that dispenses with the operation of the statute. The Executive cannot." Id. at 59-60.

4) Letter from William French Smith, Attorney General, to Peter W. Rodino, Jr., Chairman, House Judiciary Committee (Feb. 22, 1985): This letter discussed the legal precedent and authority for the President's refusal to execute a provision of the Competition in Contracting Act. The Attorney General noted that the decision "not to implement the disputed provisions has the beneficial byproduct of increasing the likelihood of a prompt judicial resolution. Thus, far from unilaterally nullifying an Act of Congress, the Department's actions are fully consistent with the allocation of judicial power by the Constitution to the courts." Id. at 8. The letter also stated that "the President's failure to veto a measure does not prevent him subsequently from challenging the Act in court, nor does presidential approval of an enactment cure constitutional defects." Id. at 3.

Office of Legal Counsel Opinions

1) Memorandum to the Honorable Robert J. Lipshutz, Counsel to the President, from John M. Harmon, Assistant Attorney General, Office of Legal Counsel (Sept. 27, 1977): This opinion concluded that the President may lawfully disregard a statute that he interprets to be unconstitutional. We asserted that "cases may arise in which the unconstitutionality of the relevant statute will be certain, and in such a case the Executive could decline to enforce the statute for that reason alone." Id. at 13. We continued, stating that "[u]nless the unconstitutionality of a statute is clear, the President should attempt to resolve his doubts in a way that favors the statute, and he should not decline to enforce it unless he concludes that he is compelled to do so under the circumstances." Id. We declined to catalogue all the considerations that would weigh in favor of non-enforcement, but we identified two: first the extent of the harm to individuals or the government resulting from enforcement; and,

second, the creation of an opportunity for a court challenge through non-enforcement (e.g., Myers).

2) Appropriations Limitation for Rules Vetoed by Congress, 4B Op. O.L.C. 731 (1980): In this opinion we rejected the constitutionality of a proposed legislative veto, prior to the Court's decision in Chadha. We opined that "[t]o regard this provision as legally binding would impair the Executive's constitutional role and would constitute an abdication of the responsibility of the Executive Branch." Id. at 734. It should be noted that the legislation in question was pending in Congress, and the possibility that President Carter would sign the legislation did not affect our analysis of the constitutional issue. We simply stated that, "if enacted, the [legislative veto provision] will not have any legal effect." Id.

3) Issues Raised by Section 102(c)(2) of H.R. 3792, 14 Op. O.L.C. 38 (1990) (preliminary print): This opinion also addressed then-pending legislation, in this case the foreign relations authorization bill for fiscal years 1990 and 1991. The opinion found that a provision of the bill was unconstitutional and severable. Regarding non-execution, the opinion stated that "at least in the context of legislation that infringes the separation of powers, the President has the constitutional authority to refuse to enforce unconstitutional laws." Id. at 53. The opinion concluded that "if the President chooses to sign H.R. 3792, he would be constitutionally authorized to decline to enforce" the constitutionally objectionable section. Id. at 38.

4) Issues Raised by Section 129 of Pub. L. No. 102-138 and Section 503 of Pub. L. No. 102-140, 16 Op. O.L.C. 18 (1992) (preliminary print): This opinion concluded that two statutory provisions that limited the issuance of official and diplomatic passports were unconstitutional and were severable from the remainder of the two statutes. On the question of non-execution, the opinion rejected "the argument that the President may not treat a statute as invalid prior to a judicial determination." Id. at 40. The opinion concluded that the Constitution authorizes the President to refuse to enforce a law that he believes is unconstitutional.

5) Memorandum for Bernard N. Nussbaum, Counsel to the President, from Walter Dellinger, Assistant Attorney General, Office of Legal Counsel (Nov. 3, 1993): This opinion discusses different categories of signing statements, including those construing bills to avoid constitutional problems and those in which the President declares "that a provision of the bill before him is flatly unconstitutional, and that he will refuse to enforce it." Id. at 3. The opinion concludes that such "uses of Presidential signing statements generally serve legitimate and defensible purposes." Id. at 7.

Presidential Signing Statements

1) Statement by the State Department (Announcing President Wilson's Refusal to Carry Out the Section of the Jones Merchant Marine Act of June 5, 1920, directing him to terminate treaty provisions restricting the Government's right to impose discriminatory tonnage dues and tariff duties), 17 A Compilation of the Messages and Papers of the Presidents 8871 (Sept. 24, 1920) (Pres. Wilson): The State Department announced that it "has been informed by the President that he does not deem the direction contained in Section 34 of the so-called Merchant Marine Act an exercise of any constitutional power possessed by the Congress." Id. The statement also defended President Wilson's decision to sign the bill and noted that "the fact that one section of the law involves elements of illegality rendering the section inoperative need not affect the validity and operation of the Act as a whole." 5 Green Haywood Hackworth, Digest of International Law 324 (1943).

2) Special Message to the Congress Upon Signing the Department of Defense Appropriation Act, Pub. Papers of Dwight D. Eisenhower 688 (July 13, 1955): President Eisenhower, in signing a bill (H.R. 6042) that contained a legislative veto, stated that the legislative veto "will be regarded as invalid by the executive branch of the Government in the administration of H.R. 6042, unless otherwise determined by a court of competent jurisdiction." Id. at 689.

3) Memorandum on Informing Congressional Committees of Changes Involving Foreign Economic Assistance Funds, Pub. Papers of John F. Kennedy 6 (Jan. 9, 1963): President Kennedy stated that a provision in the bill he was signing contained an unconstitutional legislative veto. He announced that "[i]t is therefore my intention . . . to treat this provision as a request for information." Id.

4) Statement by the President Upon Approving the Public Works Appropriations Act, Pub. Papers of Lyndon B. Johnson 104 (Dec. 31, 1963): President Johnson also found that a legislative veto provision was unconstitutional and stated that he would treat it as a request for information.

5) Statement About Signing the Public Buildings Amendments of 1972, Pub. Papers of Richard Nixon 686 (June 17, 1972): President Nixon stated that a clause conditioning the use of authority by the executive branch on the approval of a congressional committee was unconstitutional. He ordered the agency involved to comply with "the acceptable procedures" in the bill "without regard to the unconstitutional provisions I have previously referred to." Id. at 687.

6) Statement on Signing the Department of Defense Appropriation Act of 1976, Pub. Papers of Gerald R. Ford 241 (Feb. 10, 1976): President Ford stated that a committee approval mechanism was unconstitutional and announced that he would "treat the unconstitutional provision . . . to the extent it requires further Congressional committee approval, as a complete nullity." Id. at 242.

7) Statement on Signing Coastal Zone Management Improvement Act of 1980, Pub. Papers of Jimmy Carter 2335 (Oct. 18, 1980): President Carter stated that a legislative veto provision was unconstitutional and that any attempt at a legislative veto would "not [be] regarded as legally binding." Id.

8) Statement on Signing the Union Station Redevelopment Act of 1981, Pub. Papers of Ronald Reagan 1207 (Dec. 29, 1981): President Reagan stated that a legislative veto was unconstitutional and announced that "[t]he Secretary of Transportation will not . . . regard himself as legally bound by any such resolution." Id.

9) Statement On Signing the National and Community Service Act of 1990, Pub. Papers of George Bush 1613 (Nov. 16, 1990): President Bush rejected the constitutionality of provisions that required a Presidentially appointed board exercising executive authority to include, among its 21 members, "seven members nominated by the Speaker of the House of Representatives . . . [and] seven members nominated by the Majority Leader of the Senate." Id. at 1614. He announced that the restrictions on his choice of nominees to the board "are without legal force or effect." Id.

10) 7 A Compilation of the Messages and Papers of the Presidents 377 (Aug. 14, 1876) (Pres. Grant): This is one of the earliest of many instances of a President "construing" a provision (to avoid constitutional problems) in a way that seems to amount to a refusal to enforce a provision of it. An 1876 statute directed that notices be sent to certain diplomatic and consular officers "to close their offices." President Grant, in signing the bill, stated that, "[i]n the literal sense of this direction it would be an invasion of the constitutional prerogatives and duty of the Executive." Id. In order to avoid this problem, President Grant "construe[d]" this provision "only to exercise the constitutional prerogative of Congress over the expenditures of the Government," not to "imply[] a right in the legislative branch to direct the closing or discontinuing of any of the diplomatic or consular offices of the Government." Id. at 378.

Other Presidential Documents

1) A Presidential Legal Opinion, 66 Harv. L. Rev. 1353 (1953): This was a legal opinion from President Franklin Roosevelt to Attorney General Jackson. President Roosevelt stated that he was signing the Lend-Lease Act despite a provision providing for a legislative veto, "a provision which, in

my opinion, is clearly unconstitutional." Id. at 1357. The President stated that, "[i]n order that I may be on record as indicating my opinion that the foregoing provision of the so-called Lend-Lease Act is unconstitutional, and in order that my approval of the bill, due to the existing exigencies of the world situation, may not be construed as a tacit acquiescence in any contrary view, I am requesting you to place this memorandum in the official files of the Department of Justice. I am desirous of having this done for the further reason that I should not wish my action in approving the bill which includes this invalid clause, to be used as a precedent for any future legislation comprising provisions of a similar nature." Id. at 1358.

2) Message to the Congress on Legislative Vetoes, Pub. Papers of Jimmy Carter 1146 (Jun. 21, 1978): In this memorandum President Carter expressed his strong opposition to legislative vetoes and stated that "[t]he inclusion of [a legislative veto] in a bill will be an important factor in my decision to sign or to veto it." Id. at 1148. He further stated that, "[a]s for legislative vetoes over the execution of programs already prescribed in legislation and in bills I must sign for other reasons, the Executive Branch will generally treat them as 'report-and-wait' provisions. In such a case, if Congress subsequently adopts a resolution to veto an Executive action, we will give it serious consideration, but we will not, under our reading of the Constitution, consider it legally binding." Id. at 1149.

Historical Materials

1) Statement of James Wilson on December 1, 1787 on the Adoption of the Federal Constitution, reprinted in 2 Jonathan Elliot, Debates on the Federal Constitution 418 (1836): Wilson argued that the Constitution imposed significant -- and sufficient -- restraints on the power of the legislature, and that the President would not be dependent upon the legislature. In this context, he stated that "the power of the Constitution was paramount to the power of the legislature acting under that Constitution; for it is possible that the legislature . . . may transgress the bounds assigned to it, and an act may pass, in the usual mode, notwithstanding that transgression; but when it comes to be discussed before the judges,-- when they consider its principles, and find it to be incompatible with the superior power of the Constitution,-- it is their duty to pronounce it void . . . . In the same manner, the President of the United States could shield himself, and refuse to carry into effect an act that violates the Constitution." Id. at 445-46.

2) Letter from Chief Justice Chase to Gerrit Smith (Apr. 19, 1868), quoted in J. Schuckers, The Life and Public Services of Salmon Portland Chase 577 (1874): Chase stated that President Johnson took the proper action in removing Secretary of War Stanton without Senate approval, in light of Johnson's belief that the statutory restriction on his removal authority was unconstitutional. In this regard, Chase commented that "the President had a perfect right, and indeed was under the highest obligation, to remove Mr. Stanton, if he made the removal not in wanton disregard of a constitutional law, but with a sincere belief that the Tenure-of-Office Act was unconstitutional and for the purpose of bringing the question before the Supreme Court." Id. at 578.

Congressional Materials

1) The President's Suspension of the Competition in Contracting Act is Unconstitutional, H.R. Rep. No. 138, 99th Cong., 1st Sess. (1985): The House Committee on Government Operations concluded that the President lacked the authority to refuse to implement any provision of the Competition in Contracting Act. The Committee stated that, "[t]o adopt the view that one's oath to support and defend the Constitution is a license to exercise any available power in furtherance of one's own constitutional interpretation would quickly destroy the entire constitutional scheme. Such a view, whereby the President pledges allegiance to the Constitution but then determines what the Constitution means, inexorably leads to the usurpation by the Executive of the others' roles." Id. at 11. The Committee also stated that "[t]he Executive's suspension of the law circumvents the constitutionally specified means for expressing Executive objections to law and is a constitutionally impermissible absolute veto

power." Id. at 13.

2) Memorandum from the Congressional Research Service to the Committee on Government Operations concerning "The Executive's Duty to Enforce the Laws" (Feb. 6, 1985), reprinted in Constitutionality of GAO's Bid Protest Function: Hearings Before a Subcomm. of the House Comm. on Government Operations, 99th Cong., 1st Sess. 544 (1985): This memorandum stated that the President lacks the authority to decline to enforce statutes. The CRS argued that "[t]he refusal of the President to execute the law is indistinguishable from the power to suspend the laws. That power, as is true of the power to amend or to revive an expired law, is a legislative power." Id. at 554.

Cases (not included in the submitted materials)

1) Myers v. United States, 272 U.S. 52 (1926): The President refused to comply with -- that is, enforce -- a limitation on his power of removal that he regarded as unconstitutional, even though the question had not been addressed by the Supreme Court. A member of Congress, Senator Pepper, urged the Supreme Court to uphold the validity of the provision. The Supreme Court vindicated the President's interpretation without any member of the Court indicating that the President had acted unlawfully or inappropriately in refusing to enforce the removal restriction based on his belief that it was unconstitutional.

2) United States v. Lovett, 328 U.S. 303 (1946): The President enforced a statute that directed him to withhold compensation from three named employees, even though the President believed the law to be unconstitutional. The Justice Department argued against the constitutionality of the statute in the ensuing litigation. (The Court permitted an attorney to appear on behalf of Congress, amicus curiae, to defend the statute.)

3) INS v. Chadha, 462 U.S. 919 (1983): This case involved the withholding of citizenship from an applicant pursuant to a legislative veto of an Attorney General decision to grant citizenship. Despite a Carter Administration policy against complying with legislative vetoes (see Carter Presidential memorandum, supra), the executive branch enforced the legislative veto, and, in so doing, allowed for judicial review of the statute. As with Lovett, the Justice Department argued against the constitutionality of the statute.

4) Morrison v. Olson, 487 U.S. 654 (1988): The President viewed the independent counsel statute as unconstitutional. The Attorney General enforced it, making findings and forwarding them to the Special Division. In litigation, however, the Justice Department attacked the constitutionality of the statute and left its defense to the Senate Counsel, as amicus curiae, and the independent counsel herself.

5) Freytag v. Commissioner, 501 U.S. 868 (1991): A unanimous Court ruled that the appointment of special trial judges by the Chief Judge of the United States Tax Court did not violate the Appointments Clause. Five Justices concluded that the Tax Court was a "Court of Law" for Appointments Clause purposes, despite the fact that it was an Article I court, so that the Tax Court could constitutionally appoint inferior officers. Four Justices, in a concurrence by Justice Scalia, contended that the Tax Court was a "Department" under the Appointments Clause. The concurrence stated that "Court of Law" did not include Article I courts and that the Framers intended to prevent Congress from having the power both to create offices and to appoint officers. In this regard, the concurrence stated that "it was not enough simply to repose the power to execute the laws (or to appoint) in the President; it was also necessary to provide him with the means to resist legislative encroachment upon that power. The means selected were various, including a separate political constituency, to which he alone was responsible, and the power to veto encroaching laws, see Art. I, § 7, or even to disregard them when they are unconstitutional." Id. at 906 (Scalia, J., concurring).

6) Lear Siegler, Inc., Energy Products Division v. Lehman, 842 F.2d 1102 (9th Cir. 1988), withdrawn in part 893 F.2d 205 (9th Cir. 1990) (en banc): The President refused to comply with provisions of the Competition in Contracting Act that he viewed as unconstitutional and thereby allowed for judicial resolution of the issue. The Ninth Circuit rejected the President's arguments about the constitutionality of the provisions. The court further determined that Lear Siegler was a prevailing party and was entitled to attorneys' fees, because the executive branch acted in bad faith in refusing to execute the contested provisions. In this regard, the court stated that the President's action was "utterly at odds with the texture and plain language of the Constitution," because a statute is part of the law of the land that the President is obligated to execute. Id. at 1121, 1124. On rehearing en banc, the court ruled that Lear Siegler was not a prevailing party and withdrew the sections of the opinion quoted above.

TAB 13

IN THE CIRCUIT COURT OF THE FIFTEENTH JUDICIAL CIRCUIT
IN AND FOR PALM BEACH COUNTY, FLORIDA
CASE NO. 2006 CF09454AXX

STATE OF FLORIDA,

-vs-

JEFFREY EPSTEIN,

Defendant.

_____/

DEPOSITION OF [redacted]

Wednesday, February 20, 2008

2:00 p.m. - 4:30 p.m.
Palm Beach County Courthouse
205 North Dixie Highway
West Palm Beach, Florida 33401

Reported By:
Judith F. Consor, FPR
Notary Public, State of Florida
Consor & Associates Reporting and Transcription
Phone - 561.682.0905

1 APPEARANCES:

2 On behalf of the State:

3 LANNA BELOHLAVEK, ESQ.
ASSISTANT STATE ATTORNEY
4 401 North Dixie Highway
West Palm Beach, Florida 33401
5 561.355.7100

6 On behalf of the Defendant:

7 MICHAEL R. TEIN, ESQ.
KATHRYN A. MEYERS, ESQ.
8 LEWIS TEIN, PL
3059 GRAND AVENUE, SUITE 340

9 COCONUT GROVE, FL 33133

10

On behalf of the Defendant:
11 JACK A. GOLDBERGER, ESQ.
ATTERBURY, GOLDBERGER & WEISS
12 250 AUSTRALIAN AVENUE SOUTH
SUITE 1400
13 WEST PALM BEACH, FLORIDA 33401
561.659.8300
14

15 ALSO PRESENT:
KEITH J. BRETT, DIRECTOR OF MULTIMEDIA DIVISION,
16 LEGAL-EZE

- - -

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1 I N D E X

2 WITNESS: PAGE:

3 [redacted]

DIRECT EXAMINATION 4
4 BY MR. TEIN:

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7 N O E X H I B I T S M A R K E D

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1 Deposition taken before Judith F. Consor,
2 Court Reporter and Notary Public in and for the State of
3 Florida at Large, in the above cause.
4 - - -
5 Thereupon,
6 [redacted]
7 having been first duly sworn or affirmed, was examined
8 and testified as follows:
9 THE WITNESS: I do.
10 DIRECT EXAMINATION
11 BY MR. TEIN:
12 Q. Good afternoon. Please tell me your full
13 name.
14 A. [redacted]
15 Q. And can you please spell it?
16 A. [redacted]
17 [redacted]

18 Q. Thank you.

19 May I call you [redacted]?

20 A. Uh-huh.

21 Q. [redacted], I'm going to ask you a few

22 questions, several questions today. If at any time you

23 want to take a break, you just let me know. Okay?

24 A. Okay.

25 Q. If you at any time don't understand one of

1 my questions, will you just please let me know?

2 A. Yes.

3 Q. And if at any time you're not feeling well

4 or something like that, you'll tell us, right?

5 A. Yes.

6 Q. Do you feel okay today?

7 A. Yes.

8 Q. Not taking any alcohol or drugs or anything

9 like that, right?

10 A. No.

11 Q. So you feel ready to have your deposition

12 taken?

13 A. Yes.

14 Q. [redacted], what is your address?

15 A. I'm currently living at my aunt's house and

16 I don't know it off the top of my head.

17 Q. Where is it?

18 A. In Jupiter.

19 Q. Who is your aunt?

20 A. [redacted]

21 Q. Who else is living there?

22 A. [redacted], my uncle.

23 Q. Anyone else living there?
24 A. No.
25 Q. The contempt motion that your mother filed

1 against your father regarding your fifty million-dollar
2 lawsuit against Jeffrey Epstein says that you live with
3 your aunt and uncle and have been living there; is that
4 correct?
5 A. Yes.
6 Q. How long have you been living with your
7 aunt and uncle?
8 A. Since my father kicked me out.
9 Q. That was Thanksgiving of this past year?
10 A. Yes, sir.
11 Q. Okay. Didn't did your firefighter boy
12 friend [redacted] get an apartment for the two of
13 you?
14 A. No, sir. He has an apartment, but by
15 himself.
16 Q. Did he get an apartment for the two of you
17 to live in?
18 A. No, sir.
19 Q. Are you planning to move in with him?
20 A. Maybe one day in the future.
21 Q. Do you have a plan to move in with him
22 presently?
23 A. No.
24 Q. Have you been to the apartment that you and
25 [redacted] have discussed moving in together?

A. I have been to the apartment.
Q. Where is that?
A. [redacted]
Q. Have you spent the night over there?
A. No, sir.
Q. Do you know the address there?
A. I do not.
Q. Isn't your sister [redacted] planning on living with you and [redacted]?
A. No.
Q. [redacted] you know that this court case is a criminal prosecution, correct?
A. Correct.
Q. And you know that it's a criminal prosecution against a man who has no criminal background. Do you know that?
A. I do now.
Q. You agree that court is a very serious matter?
A. Yes.
Q. And you're here with your lawyer Mr. Leopold, right?
A. Yes.
Q. And you know that Mr. Leopold recently filed a lawsuit in federal court against Jeffrey Epstein,

seeking fifty million dollars.
MR. LEOPOLD: Let me just object.
[redacted] let me instruct you. Anything that you have learned through conversations between you

5 and me are protected. So if you know any of that
6 information outside of those discussions, you may
7 answer. But if the only way you know it is
8 through our discussions, do not answer that
9 question.
10 BY MR. TEIN:
11 Q. [redacted] you know that Mr. Leopold recently
12 filed a lawsuit in federal court on your behalf against
13 Jeffrey Epstein seeking fifty million dollars.
14 MR. LEOPOLD: Same objection.
15 If you know the answer to that outside of
16 our discussions, you may answer. If it is the
17 only way that you know the answer is through our
18 discussions, do not answer that question.
19 THE WITNESS: Okay.
20 MR. LEOPOLD: Attorney/client privilege.
21 BY MR. TEIN:
22 Q. You can answer the question unless --
23 MR. LEOPOLD: Same objection.
24 MR. TEIN: Let me finish.
25 MR. LEOPOLD: Excuse me. We're --

9

1 MR. TEIN: No. Let me finish.
2 MR. LEOPOLD: Lewis, we're not going to do
3 that.
4 MR. TEIN: My name is not Lewis.
5 I'm going to finish my question. Okay?
6 MR. LEOPOLD: Do not answer until you hear
7 from me.
8 BY MR. TEIN:

9 Q. Other than conversations that you have had
10 with Mr. Leopold -- I'm not asking about that -- are you
11 aware that Mr. Leopold has filed a lawsuit in federal
12 court seeking fifty million dollars from Jeffrey Epstein
13 on your behalf?
14 MR. LEOPOLD: Same objection.
15 Anything that you learn through
16 conversations between you and me, do not answer.
17 Those are protected. If you know through any
18 other realm of knowledge, you may answer.
19 THE WITNESS: No.
20 BY MR. TEIN:
21 Q. You have no idea that Mr. Leopold filed a
22 fifty million-dollar lawsuit on your behalf against
23 Jeffrey Epstein?
24 MR. LEOPOLD: Same objection.
25 Do not answer that question if it's through

10

1 discussions that you and I had. Outside of that,
2 you may answer. So do not answer that question if
3 that is the only basis by which you understand
4 that answer.
5 THE WITNESS: No.
6 BY MR. TEIN:
7 Q. You didn't know that?
8 MR. LEOPOLD: Don't answer that question.
9 Against, it's attorney/client privilege. Any
10 information you've learned through conversations
11 between you and I are protected. If you know it
12 through any other realm, you may answer.
13 MR. TEIN: Are you going to say that for

14 every question in the deposition, Mr. Leopold?
15 MR. LEOPOLD: When you ask improper
16 questions like that without the proper --
17 MR. TEIN: You're going to stop your
18 speaking objections right now. Okay?
19 MR. LEOPOLD: Without the proper --
20 MR. TEIN: You need to stop your speaking
21 objections.
22 Let's continue.
23 MR. LEOPOLD: Counsel, you just asked me a
24 question and I'm going to state it on the
25 record --

11

1 MR. TEIN: You need to stop your speaking
2 objections. Check your rules.
3 MR. LEOPOLD: Excuse me. For the record,
4 Counsel asked me a question. I'll state the
5 answer on the record. He asked me the question am
6 I going to be answering that way throughout the
7 deposition. So long as there's improper
8 foundation and predicate asked by the attorney, I
9 will protect my client and I make the record where
10 appropriate. If counsel wishes to ask an
11 appropriate worded question with the proper
12 foundation and predicate, I will certainly allow
13 the client to answer the question.
14 MR. GOLDBERGER: Why don't you just state
15 attorney/client privilege and just be done with
16 it.
17 MR. LEOPOLD: I want the record to be

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18 clear.

19 MR. TEIN: You want to waste time is what

20 you want to do. You were supposed to be here this

21 morning and you totally broke the deal, the

22 agreement that you had with us if your hearing got

23 cancelled.

24 But let's move on and maybe you'll stop

25 obstructing this deposition.

12

1 MR. LEOPOLD: I think the record is very

2 clear where we stand thus far.

3 Is there a recording taken of this

4 deposition?

5 THE COURT REPORTER: Yes.

6 MR. LEOPOLD: Just make sure that's

7 preserved.

8 BY MR. TEIN:

9 Q. Go to Exhibit 20-01 -- well, before you do

10 that, [redacted], are you aware that a lawyer named Jeffrey

11 Herman filed a lawsuit on your behalf, yes or no?

12 MR. LEOPOLD: Objection.

13 Any conversations that you and I have had

14 regarding that, if that is the only way by which

15 you understand how to answer that question, so not

16 answer. It's attorney/client privilege, as well

17 as any conversations you may have had with the

18 attorney from Miami. That is also attorney/client

19 privilege. And I'm assuming --

20 MR. TEIN: You're actually wrong about the

21 attorney/client privilege.

22 MR. LEOPOLD: I'm assuming Counsel is not

23 asking you to divulge attorney/client --
24 MR. TEIN: Of course not.
25 BY MR. TEIN:

1 Q. [redacted] are you aware that Jeffrey Herman,
2 an attorney, filed a fifty-million-dollar lawsuit on your
3 behalf against Jeffrey Epstein, yes or no?
4 MR. LEOPOLD: Same objection.
5 MR. TEIN: We've heard the objection 10
6 times already.
7 MR. LEOPOLD: Counsel, excuse me.
8 MR. TEIN: Just say attorney/client
9 privilege. Stop interrupting my questions.
10 MR. LEOPOLD: I'm entitled to make an
11 objection for the record, which I'm doing, and
12 I'll make the same objection. And if it calls for
13 attorney/client privilege, any conversations you
14 and I have had, do not answer the question.
15 And I think that it might be appropriate
16 for the record to ask questions via [redacted]
17 as opposed to [redacted]. I think that would be more
18 appropriate for this deposition.
19 BY MR. TEIN:
20 Q. Go ahead. Please answer yes or no.
21 A. Yes.
22 Q. Thank you.
23 In fact, you know that Mr. Herman held a
24 press conference after he filed the fifty-million-dollar
25 lawsuit on your behalf, don't you?

A. After it happened.

Q. You know that he had a press conference, don't you, yes or no?

A. Yes.

Q. In fact, let's go to Exhibit 20-01.

MR. GOLDBERGER: Look behind you. You'll see it.

BY MR. TEIN:

Q. Have you ever seen that picture before?

A. Yes.

Q. Is that a picture of your father, your stepmother and Mr. Herman at the press conference regarding your lawsuit?

A. Yes.

Q. Now you know that this is a very serious matter, don't you?

MR. LEOPOLD: Asked and answered. Objection.

MR. GOLDBERGER: All right. You can object. You're representing a witness here, Mr. Leopold. You can object on privilege grounds. You cannot make legal objections. You have no standing to do so.

MR. LEOPOLD: I'm going to make them and then --

MR. GOLDBERGER: We're --

MR. LEOPOLD: We're going to leave or we're going to take a break because his demeanor is not appropriate. There's no reason to have this kind

5 of demeanor. If you want to have this kind of
6 demeanor with me --
7 MR. TEIN: You are obstructing this
8 deposition.
9 MR. GOLDBERGER: Why don't you guys go
10 outside and just talk about --
11 MR. LEOPOLD: She -- her job is very
12 difficult and she's not going to be able to take
13 us both talking at he same time.
14 MR. GOLDBERGER: Off the record.
15 MR. LEOPOLD: We're not going off the
16 record, Jack. We're not, Jack. Her job is very
17 difficult. I'm going to make the record.
18 I don't think it is appropriate, especially
19 in the small confines of this room, to be very
20 aggressive with this young lady.
21 MR. TEIN: That's not happening. Stop,
22 stop actually --
23 MR. LEOPOLD: If you're going to interrupt
24 me, we're going to cancel this deposition --
25 MR. TEIN: Stop misrepresenting.

16

1 THE COURT REPORTER: I need on at a time,
2 no matter who it is.
3 MR. LEOPOLD: I think we're going to take a
4 break. Perhaps you might want to talk to your
5 co-counsel --
6 MR. TEIN: I don't need to talk to him.
7 MR. LEOPOLD: But we're going to take a
8 break.

9 MR. TEIN: Not taking a break unless the
10 witness needs a break.
11 You're obstructing this deposition, Ted.
12 MR. LEOPOLD: Come on, [redacted].
13 You all want to continue in this
14 demeanor --
15 MR. TEIN: You're obstructing the
16 deposition. Stop making speeches. We're not
17 discussing this with you. The questions are to
18 your client. Go take your five-minute break.
19 MR. LEOPOLD: Fine. We need to make sure
20 the record's clear and clean.
21 And I want to make sure as I've already
22 asked you -- I know that you're one of the best in
23 town -- that this audio -- this needs to be
24 preserved. Okay?
25 MR. TEIN: Go take your five-minute break,

17

1 Mr. Leopold, now.
2 You were supposed to be here at nine a.m.;
3 it's now after two. Take your break and come
4 back.
5 MR. LEOPOLD: Okay. If the demeanor keeps
6 up, we will not be here beyond those five minutes.
7 MR. TEIN: Take your break and come back.
8 MR. LEOPOLD: Okay. So I suggest that you
9 relax.
10 MR. TEIN: I suggest that you take your
11 break.
12 MR. GOLDBERGER: Let them take that
13 five-minute break.

14 MR. LEOPOLD: But I would suggest that you
15 take deep breaths.
16 MR. TEIN: Suggest whatever you want. Go
17 take a break.
18 (Thereupon, a recess was taken.)
19 BY MR. TEIN:
20 Q. [redacted] you agree that giving testimony
21 today at your deposition is something very serious, don't
22 you?
23 A. Yes.
24 Q. And you respect the court, don't you?
25 A. Yes.

1 Q. Let me show you Exhibit 31-001. Can you
2 read that out loud, please?
3 A. Okay. What do you want?
4 Q. Will you read that out loud, please.
5 A. Oh.
6 Q. Thank you.
7 A. Lol hah my baddd...lol yah I got some
8 stupid court shit on the 20th...bullshit...and damn you
9 still have court shit with him? Like after so long wow
10 im sorry... well yah well we will definitely havta make
11 plans for sure..because i miss u tons times a million and
12 no no no i love you...o p.s. i love ur default pic
13 niggaa. Muah xo.
14 Q. Did you send that message last week to a
15 friend of yours on MySpace?
16 A. I wouldn't know. There's no dates and I've
17 deleted that MySpace, so --

18 Q. We're going to talk about that in a second.
19 A. Okay.
20 Q. Did you send that message last week --
21 A. Right.
22 Q. Let me finish my question.
23 Did you send that message last week to a
24 friend of yours on MySpace?
25 A. I wouldn't know the date, but obviously,

1 it's to a friend.
2 Q. Did you send that message to a friend of
3 yours on MySpace?
4 A. Sure, yes.
5 Q. Were you referring to this deposition?
6 A. Yes.
7 Q. Do you find the term n-i-g-g-e-r offensive?
8 A. That's not anywhere in there.
9 Q. What word did you use in there?
10 MR. LEOPOLD: Where are you referring to,
11 Counsel? There's 20 plus words in there.
12 MR. TEIN: Don't make a speaking objection.
13 THE WITNESS: Are you referring to
14 anything --
15 MR. LEOPOLD: No, [redacted] Don't -- don't --
16 let him ask you the question.
17 BY MR. TEIN:
18 Q. What question were you asking, [redacted]?
19 MR. LEOPOLD: She doesn't ask questions.
20 You ask the questions. What is the question
21 pending?
22 BY MR. TEIN:

23 Q. [redacted] what is the last word on there in
24 the text of your message before the closing?
25 A. Niggaa.

. 20

1 Q. Don't you find that term offensive?
2 A. No.
3 MR. LEOPOLD: Can you spell it for the
4 record, please.
5 THE WITNESS: N-i-g-g --
6 MR. TEIN: No, no, no. You are not going
7 to be asking questions.
8 MR. LEOPOLD: I'm not asking questions.
9 I'm asking for the record the word to be spelled
10 because we don't have a video here today.
11 MR. TEIN: These exhibits are part of the
12 record. You --
13 MR. LEOPOLD: Well, it's not marked as an
14 exhibit.
15 MR. TEIN: Stop interrupting me,
16 Mr. Leopold. I have marked and identified as an
17 exhibit and you will get it.
18 MR. LEOPOLD: There has been no
19 identification of this document in the record.
20 MR. TEIN: Mr. Leopold, stop interrupting
21 this deposition.
22 MR. LEOPOLD: What is the exhibit number
23 marked for identification?
24 MR. TEIN: 31-001.
25 MR. LEOPOLD: Do we have copies? Is it on

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1 the record anywhere?
2 BY MR. TEIN:
3 Q. Let me ask you, [redacted] did you in fact
4 write your friend this message about this deposition?
5 A. Yes.
6 Q. So you wrote your friend that this
7 deposition is stupid court s-h-i-t, correct?
8 A. Yes.
9 Q. Because you think this deposition is stupid
10 court s-h-i-t, don't you?
11 A. No.
12 Q. You wrote that to your friend, didn't you?
13 A. Yes.
14 Q. You think that court is stupid, don't you?
15 A. In some cases.
16 Q. And you think that court is bull s-h-i-t,
17 don't you?
18 A. No.
19 Q. And you think this deposition is bull
20 s-h-i-t, don't you?
21 A. No.
22 Q. You wrote that to your friend, didn't you?
23 MR. LEOPOLD: Objection. Asked and
24 answered.
25 MR. TEIN: That's not an objection.

1 BY MR. TEIN:
2 Q. You wrote that to your friend, didn't you?
3 MR. LEOPOLD: Objection. Asked and
4 answered, for the fourth time.

5 MR. TEIN: You are improperly objecting,
6 Mr. Leopold. You have no grounds to object. And
7 that's not an objection.
8 MR. LEOPOLD: It is an objection.
9 MR. TEIN: Then terminate the deposition if
10 you think it's been asked and answered.
11 MR. LEOPOLD: Counsel, I am not precluded
12 from just making an objection to the form of the
13 question. As the courts well know, and if you
14 practice here in West Palm Beach, many of the
15 judges require you to set the objection with
16 specificity. And I will do that. And if you
17 don't want me to, you can make the record. But I
18 will do that.
19 MR. TEIN: Here's what we'll do, Ted. You
20 can -- I will allow you to reserve an objection to
21 form for every single one of my questions.
22 Otherwise, all you're doing is obstructing.
23 MR. LEOPOLD: I won't do that.
24 MR. TEIN: Of course; because you want to
25 obstruct.

23

1 MR. LEOPOLD: All right.
2 BY MR. TEIN:
3 Q. Saige, you think that giving testimony
4 today, under oath, is bull s-h-i-t, don't you?
5 A. No.
6 Q. And you wrote that to your friend on
7 MySpace last week, didn't you?
8 MR. LEOPOLD: Objection. Asked and

9 answered.

10 THE WITNESS: No, I did not.

11 BY MR. TEIN:

12 Q. You didn't write this exhibit?

13 A. I wrote that, but I didn't write what you

14 said.

15 Q. You wrote in this exhibit, "I got some

16 stupid court s-h-i-t on the 20th. Bull s-h-i-t." Didn't

17 you write that?

18 A. Yes.

19 Q. Referring to this deposition, didn't you?

20 A. Referring to the court. I was later

21 informed that it was a deposition.

22 Q. I'm going to ask you some questions now

23 about what happened when you went to Jeff Epstein's house

24 three years ago. Okay?

25 A. Uh-huh.

1 Q. When the police interviewed you one month

2 after you went to Epstein's house, you swore on your

3 mother's grave that you and Epstein did not engage in sex

4 of any kind?

5 A. Yes.

6 Q. Didn't you tell that to the police?

7 A. Yes. And I will continue. I have never

8 had sex with him.

9 Q. Did what happened upstairs at Jeff

10 Epstein's house take you completely by surprise, [redacted]?

11 A. Yes.

12 Q. Now the civil complaint that you filed

13 against Mr. Epstein for fifty million dollars alleged

14 that you were totally shocked by what happened when you
15 got there.
16 A. Yes.
17 Q. Were you totally shocked by what happened
18 when you got to Epstein's house?
19 A. Yes.
20 Q. You didn't expect it at all, did you?
21 A. No.
22 Q. You had absolutely no idea why your friend
23 [redacted] was taking you to Epstein's shoes, right?
24 A. I was informed it was a massage.
25 Q. All you thought that it was going to be was

1 a massage, correct?
2 A. Yes.
3 Q. Before you got to Epstein's house [redacted]
4 never said anything to you on the telephone about sexual
5 activity with Epstein, did he?
6 A. No.
7 Q. And before you got to Epstein's house
8 [redacted] never sent you a message over the Internet about
9 sexual activity with Epstein, did she?
10 A. No.
11 Q. Did Zack [redacted] ever try to convince you to
12 engage in any sexual activity with Epstein?
13 A. No.
14 Q. Did Anthony [redacted] every try to convince
15 you to engage in any sexual activity with Epstein?
16 A. I don't know who Anthony [redacted] is.
17 Q. Do you have a friend Anthony?

18 A. No.

19 Q. Okay. Before you went so Epstein's house

20 did anyone call or e-mail you to induce you to engage in

21 sexual activity with Epstein?

22 A. No.

23 Q. So you're sure that before you got to

24 Epstein's house no one tried to persuade you to engage in

25 sexual activity with Jeffrey Epstein?

26

1 A. No.

2 Q. You're sure that -- let me ask the question

3 again.

4 You're sure that before you got to

5 Epstein's house no one tried to persuade you to engage in

6 sexual activity with Epstein for money. Are you?

7 MR. LEOPOLD: Objection. Asked and

8 answered.

9 THE WITNESS: No. And I've already

10 answered that a bazillion times.

11 BY MR. TEIN:

12 Q. He's coaching you now. So I'm going to ask

13 the question --

14 MR. LEOPOLD: Counsel, I've made an

15 objection for the record.

16 MR. TEIN: Stop speaking.

17 MR. LEOPOLD: I'm not going to stop

18 speaking. You can't interrupt me when I'm making

19 the record.

20 MR. TEIN: You're coaching the witness.

21 MR. LEOPOLD: Counsel --

22 MR. TEIN: Stop coaching the witness.

23 BY MR. TEIN:

24 Q. [redacted] let me ask you --

25 MR. LEOPOLD: If you continue to --

1 MR. TEIN: Stop interrupting my questions.

2 MR. LEOPOLD: If you do it one more time,

3 we're leaving.

4 BY MR. TEIN:

5 Q. [redacted] --

6 MR. LEOPOLD: I'm going to make the record.

7 You cannot interrupt me when I'm making the

8 record. Out of professional conduct, you cannot

9 do that. I'm entitled to make the record. I made

10 an objection, asked and answered. You demeanor is

11 inappropriate. You're willing and you are able

12 and you're responsible to ask a question in a

13 professional manner and ask the question and once

14 you get the answer, to either follow up on it or

15 move on, but not continuously browbeat and ask the

16 same question over and over because you don't like

17 the answer.

18 MR. TEIN: Calm down, sir.

19 MR. LEOPOLD: Trust me, I'm very calm here.

20 When I'm not calm you'll know it. I'm very calm.

21 So please continue on, but I will not allow

22 you to continue to harass her in the demeanor that

23 you're doing. Ask her a question and move on.

24 MR. TEIN: Are you done?

25 MR. LEOPOLD: Thank you. I am.

1 MR. TEIN: Stop misrepresenting the record
2 and calm down. I'm going to ask my question.
3 Stop it.
4 BY MR. TEIN:
5 Q. [redacted] --
6 MR. LEOPOLD: I think the record is very
7 clear.
8 MR. GOLDBERGER: Let me just clarify
9 something. When you object to the form of a
10 question, you're not instructing the witness not
11 to answer the question, are you?
12 MR. LEOPOLD: No. And I'm not making that
13 objection; only on attorney/client privilege.
14 MR. TEIN: Will you stop speaking now so I
15 can ask my question? Are you done?
16 Okay. I'm going to ask my question.
17 BY MR. TEIN:
18 Q. Listen, [redacted] --
19 MR. LEOPOLD: Hold on. Stop.
20 I've been doing this for 20 plus years and
21 have met a lot of attorneys, but I've never had an
22 experience like this where I've --
23 MR. TEIN: Stop your speeches.
24 MR. LEOPOLD: If you continue to do this,
25 whether it's with me or with my client, I will not

1 put up with it and I don't need to put up with it
2 and it's not appropriate. And I'm sure Mr.
3 Goldberger knows all this, because I know that he
4 wouldn't do this. So I will not put up with it.

5 And I think it's highly inappropriate to do this
6 with this child sitting here, the way you're
7 acting, primarily towards me, and I will not put
8 up with it.
9 MR. TEIN: Will you please stop your speech
10 so I can ask questions?
11 MR. LEOPOLD: So long as you act
12 professionally, I will do so. But if you continue
13 to do it this way, I will leave.
14 MR. TEIN: Suit yourself.
15 BY MR. TEIN:
16 Q. [redacted] are you sure that before you got to
17 Epstein's house no one tried to persuade you to engage in
18 sexual activity with Epstein for money?
19 MR. LEOPOLD: Asked and answered.
20 Objection.
21 MR. TEIN: Did you get her answer?
22 THE COURT REPORTER: No, I did not.
23 THE WITNESS: I'm sure.
24 BY MR. TEIN:
25 Q. Let me ask you a few questions about your

30

1 contact with Jeffrey Epstein. Okay?
2 A. (Witness nods head up and down.)
3 Q. Jeff never e-mailed you, did he?
4 A. No.
5 Q. Jeff never text messaged you, did he?
6 A. No.
7 Q. Jeff never chatted in a chat room with you,
8 did he?

9 A. No.
10 Q. Before you got to Epstein's house you had
11 never spoken to Jeff, had you?
12 A. No.
13 Q. And before you got to Epstein's house you
14 had never met Jeff?
15 A. Correct.
16 Q. Before you got to Epstein's house you had
17 never told Jeff that you were under 18, right?
18 A. No.
19 Q. Before you got to Epstein's house had you
20 ever told Jeffrey that you were under 18?
21 A. No, I never spoke to the man before that.
22 Q. And you only went to Jeff Epstein's house
23 that one time three years ago, correct?
24 A. Yes.
25 Q. You never went there again, correct?

1 A. No.
2 Q. All right. Let me ask you two final areas
3 of questioning about this and we'll move onto something
4 else. Okay?
5 A. Uh-huh. Yes. I'm sorry.
6 Q. Before you got to Epstein's did anyone
7 associated with Epstein ever call you on the phone and
8 try to persuade, induce, entice or coerce you to engage
9 in any sexual activity?
10 A. No.
11 Q. Before you got to Epstein's did anybody
12 associated with Epstein ever contact you on the Internet
13 and try to persuade, induce, entice or coerce you to

engage in any sexual activity?

A. No.

Q. [redacted], who told you that when you got to Jeff Epstein's house you should lie to Jeff about your age?

A. [redacted].

Q. Was it [redacted] or was it the other girl in the car who you rode over with to Epstein's house?

A. [redacted].

Q. Who was the other girl in the car with you that day?

A. I honestly don't know.

Q. Had you ever seen her before?

A. No, sir.

Q. You told the police that when you rode over to Epstein's you had no idea who she was, right?

A. Correct.

Q. You told the police that you didn't know her name, but she was like really dark, kind of like a Spanish girl?

A. Yes.

Q. Those were your words, right?

A. Yes.

Q. Do you now know who she is?

A. No, sir.

Q. So it was [redacted] who told you to lie about your age to Jeff Epstein?

A. Yes, sir.

Q. And [redacted] told you that if you weren't 18,

18 Epstein wouldn't let you into his house, right?
19 A. That's -- yes, yes.
20 Q. All right. Let's talk for a minute about
21 when you first met Jeff. Okay?
22 A. Sure.
23 Q. When you first met Jeff he tried to find
24 out how old you were, right?
25 A. Excuse me?

1 Q. When you first met Jeff he tried to find
2 out how old you were, right?
3 A. Not when we first introduced each other,
4 when we get upstairs, then yes.
5 Q. During the massage Jeff asked you how old
6 you were, correct?
7 A. Yes, yes.
8 Q. Now hadn't you already told Jeff's
9 assistant, the one who walked you upstairs, that you went
10 to college and had just moved down here from Ohio?
11 A. I never spoke to the lady.
12 Q. Do you want to rethink that answer?
13 MR. LEOPOLD: Is that a question?
14 BY MR. TEIN:
15 Q. Do you want to rethink that answer?
16 A. No. I didn't really speak with her that
17 much.
18 Q. Do you want to try to refresh your memory
19 on that?
20 MR. LEOPOLD: Do you have something to
21 refresh her memory with?
22 MR. TEIN: Do you want to stop making

23 speaking objections?
24 MR. LEOPOLD: No. But to refresh someone's
25 memory you show them a document.

1 MR. TEIN: I know how to do this.
2 MR. LEOPOLD: Then show her a document.
3 MR. TEIN: Stop speaking.
4 MR. LEOPOLD: I'm not going to stop
5 speaking. I'm going to continue to make the
6 record.
7 MR. TEIN: You're obstructing. Please
8 stop.
9 MR. LEOPOLD: I'm not obstructing. But if
10 you want to refresh her recollection, you need to
11 show her something.
12 That's not a proper question. I object to
13 the foundation and the predicate of that question.
14 MR. TEIN: Are you done?
15 MR. LEOPOLD: I am now. Thank you.
16 BY MR. TEIN:
17 Q. Do you want to try to refresh your memory
18 as to whether you had any conversation with the woman who
19 walked you upstairs in Epstein's house in which you told
20 her that you went to college and had just moved down from
21 Ohio?
22 MR. LEOPOLD: Objection. Object to the
23 form of the question. Lack of foundation and
24 predicate.
25 BY MR. TEIN:

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Q. You can answer the question.
A. Sure.
Q. Is there anything that would refresh your memory that in fact you told Mr. Epstein's assistant, the one who walked you upstairs, that you went to college and you had just moved down here from Ohio?
A. I don't remember saying that, but if you -- I don't remember saying that myself, so --
Q. That would be a lie, right?
A. No. I really don't remember.
Q. So you told Jeff that you were 18 years old, correct?
A. Yes.
Q. Do you remember Detective Michelle Pagan of the Police Department, Palm Beach Police Department?
A. Yes.
Q. Do you remember you spoke to her?
A. Yes.
Q. Do you remember that you told Detective Pagan that when you lied about your age to Jeff you said it really fast because you didn't want to make it sound like you were lying?
A. I don't remember the words exactly, but I do remember telling her I told him I was 18.
Q. And do you remember telling Detective Pagan

that when you lied to Epstein about your age that you said it really fast so Epstein wouldn't realize you were lying?
A. No, I don't remember saying those words

5 exactly to her. I remember telling her that I told
6 Epstein I was 18.
7 Q. Does it sound right to you that you told
8 Detective Pagan that you said your age really fast to
9 Epstein --
10 MS. BELOHLAVEK: Objection. Asked and
11 answered.
12 BY MR. TEIN:
13 Q. -- so he wouldn't think that you were
14 lying?
15 MR. LEOPOLD: Objection. Asked and
16 answered, lack of foundation, mischaracterization
17 of her earlier testimony. She's already answered
18 that question.
19 BY MR. TEIN:
20 Q. You can answer it.
21 MR. LEOPOLD: Same objection. It's been
22 asked and answered.
23 You can answer. I've made the objection.
24 THE WITNESS: I forget the question, now.
25

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1 BY MR. TEIN:
2 Q. Let me put it again.
3 Does it sound right to you that you told
4 Detective Pagan that when you lied about your age to
5 Jeffrey Epstein, you said it really fast because you
6 didn't want to make it sound like you were lying?
7 MR. LEOPOLD: Objection. Lack of
8 foundation, asked and answered.

9 THE WITNESS: I could have possibly said
10 that, yes.
11 BY MR. TEIN:
12 Q. You didn't want Mr. Epstein to know that
13 you were lying about your age, right?
14 A. Correct.
15 Q. You didn't want Mr. Epstein to know that
16 you were not 18 yet, right?
17 A. Correct.
18 Q. You wanted Mr. Epstein to believe that you
19 really were 18, right?
20 A. Correct.
21 Q. Do you remember when Mr. Epstein asked
22 where you went to school?
23 A. Yes.
24 Q. And you told Mr. Epstein you went to
25 [redacted], right?

1 A. Yes.
2 Q. Was that the truth?
3 A. No.
4 Q. In fact, you went to [redacted], right?
5 A. Yes.
6 Q. So you lied to Mr. Epstein again, correct?
7 A. Yes.
8 Q. Is Wellington the college that you told
9 Jeff's assistant that you were attending?
10 A. I don't remember having that conversation
11 with her, so I wouldn't know if that's what I said.
12 Q. That was a lie, though, wasn't it?
13 MR. LEOPOLD: Objection to the form of the

14 question, lack of foundation. You're making an
15 assumption. She just answered you she can't tell
16 you that.
17 MR. TEIN: Speaking objection. And you
18 well know that, Mr. Leopold.
19 MR. LEOPOLD: She can't answer that
20 question. The way you phrased that question,
21 you're purposely making her not be honest in her
22 testimony. She can't answer a question like that.
23 She doesn't remember. So then you say, "So you
24 were lying." That's improper and you know that.
25 That's not a proper question. And any attorney

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1 that would do that to a witnesses or to a person
2 that's sitting in this chair is not acting
3 professionally. You can't ask a question like
4 that. You can do it, but it's not proper. And
5 I'm sure you weren't trained that way, certainly
6 not ethically.
7 MR. TEIN: Will you stop?
8 MR. LEOPOLD: I'm not going to stop,
9 because the way you're asking that question is
10 improper and you know it.
11 MR. TEIN: You're losing your cool.
12 BY MR. TEIN:
13 Q. [redacted]--
14 MR. LEOPOLD: Trust me. I'm very calm.
15 When I lose my cool, you'll know it.
16 MR. TEIN: I do know it.
17 BY MR. TEIN:

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Q. [redacted] Mr. Epstein never asked you to do anything other than massage him, correct?

A. Incorrect, because he asked me to take off my bra, so that would be two things he's asked me to do.

Q. Other than asking you to take your bra off, Mr. Epstein never asked you to do anything with him other than massage, correct?

MR. LEOPOLD: Objection. Foundation,

predicate.

THE WITNESS: Correct.

BY MR. TEIN:

Q. You told the police, in your words, that you did not whack him off, right?

A. Correct.

Q. What does that mean?

A. Whack, like whacking off?

Q. Your term, what does that mean?

A. Masturbating.

Q. Mr. Epstein never tried at any time to grab your hand, did he?

A. No.

Q. Mr. Epstein never tried to put your hand anywhere, did he?

A. No.

Q. At no time did you touch Mr. Epstein's penis, did you?

A. No.

Q. And he did not touch you, correct?

A. Incorrect.

Q. Well, you told the police, "At no time did

23 he touch me." Were you lying to the police then?
24 A. No. Well, I wasn't being fully truthful,
25 but I wasn't lying.

1 Q. You told the police twice when you spoke to
2 Michelle Pagan that "at no time did he touch me." Didn't
3 you say that to the police?
4 A. Yeah.
5 Q. And you're saying that that was not fully
6 truthful. Is that what you're saying now?
7 A. Correct.
8 Q. And you're saying if you're not fully
9 truthful, that's not a lie. Correct?
10 A. You took that out of context like really
11 bad. I didn't mean like that. Touching my legs and --
12 he never kept his hands to himself the entire time.
13 That's what I'm trying to say.
14 Q. You told the police, "At no times did he
15 touch me." You agree with that, correct?
16 A. No, I don't agree with that, because he did
17 touch me.
18 Q. Did you tell the police that he did not
19 touch you, yes or no?
20 A. It's a possibility, but I do not remember.
21 Q. Okay. And you did not have any type of sex
22 with Jeff, correct?
23 A. No.
24 Q. And you did not have any type of oral sex
25 with Jeff, correct?

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A. No.
Q. No type of intercourse with Jeff, correct?
A. Correct.
Q. All right. Let's talk about what happened after the massage was over.
A. Okay.
Q. After the massage you told Epstein that you wanted to bring your twin sister back so she could make some money, correct?
A. Incorrect.
Q. Your twin sister is [redacted], right?
A. Correct.
Q. And you love [redacted] very much, don't you?
A. Yes.
Q. And when you left the house you were joking with the other girls, weren't you?
A. Incorrect.
Q. Well, when [redacted] and the other girl in the car that day made their statements to the police they told the police that you were joking afterwards. Are you saying that they were lying to the police about that?
A. No. But a question or -- questions from [redacted] -- like she asked me questions, but it wasn't joking. She was kind of like in a happy way, like, "Oh, what did you do? What did you do?" Like those kind of

things, but it wasn't joking about it at all.
Q. You joked about it, didn't you?
A. No.
Q. You said to [redacted] that if you did this

5 every weekend you'd be rich, didn't you?
6 A. No. That's what [redacted] told me.
7 Q. You didn't tell that to [redacted]?
8 MR. LEOPOLD: Objection. Asked and
9 answered.
10 THE WITNESS: No.
11 BY MR. TEIN:
12 Q. After you left Epstein's house you took the
13 money and you went shopping with [redacted] and the other
14 girl in the car, correct?
15 A. Incorrect. I didn't spend any of the
16 money.
17 Q. You went to Marshall's, didn't you?
18 A. I went along, yes, but I didn't --
19 Q. You went shopping with them at Marshall's,
20 didn't you?
21 MR. LEOPOLD: Objection.
22 THE WITNESS: I guess you could say that.
23 MR. LEOPOLD: Objection. Lack of predicate
24 and foundation. Mischaracterization of earlier
25 testimony.

1 BY MR. TEIN:
2 Q. And [redacted] bought a purse, right?
3 A. Yes.
4 Q. And you were with her the whole time at
5 Marshall's, correct?
6 A. Yes.
7 Q. Now tell me about when the federal
8 prosecutors told you about getting reimbursed.

9 A. I have no idea what you're talking about.
10 Q. Tell me about when the federal prosecutors
11 spoke to you about getting money you feel you're entitled
12 to from Mr. Epstein.
13 A. I don't know what you're talking about.
14 Q. Do you know who Marie Villafona is?
15 A. No, sir.
16 Q. Did you ever meet with any federal
17 prosecutors?
18 A. I think -- yeah. I think they were -- I
19 think they were like FBI.
20 Q. Uh-huh. Did you meet with federal
21 prosecutors?
22 A. They came to my house one time, yes.
23 Q. When did they come to your house?
24 A. Very long ago.
25 Q. Was it this year, 2008?

1 A. It was not this year, no.
2 Q. Was it 2007?
3 A. I'd have to say at least two years ago or a
4 year ago, yeah. So it would be 2007, 2006; but it was a
5 while ago.
6 Q. How many federal prosecutors or FBI agents
7 came to your house?
8 A. I'm trying to remember. I want to say four
9 people came.
10 Q. Did they give you their business cards?
11 A. If they did, I don't remember, and they
12 weren't toward me. Maybe my parents have them. I don't
13 know.

14 Q. Did they give you their cell phone numbers?
15 A. No.
16 Q. Did you ever speak to them on their cell
17 phones?
18 A. No, sir.
19 Q. Did they speak to your parents?
20 A. That's something you'd have to ask my
21 parents.
22 Q. Do you know whether they spoke to your
23 parent's?
24 A. No, sir.
25 Q. You have no idea?

1 A. No, sir.
2 MR. LEOPOLD: Objection. Asked and
3 answered.
4 BY MR. TEIN:
5 Q. So if I say the name to you Marie
6 Villafona, you don't know who that is?
7 A. No, sir.
8 Q. How many women and how many men came to
9 your house?
10 A. I want to say two ladies and two guys.
11 Q. Did someone named Jeffrey Sloman come to
12 your house?
13 A. I don't know names, sir.
14 Q. Do you know who Jeffrey Sloman is?
15 A. No, sir.
16 Q. Do you know who Jeffrey Herman is?
17 A. Yes.

18 Q. That's the lawyer who first sued Epstein on
19 your behalf, right?
20 A. Yes.
21 Q. Has Mr. Herman advanced your family any
22 money?
23 MR. LEOPOLD: Any conversations that you've
24 had with Mr. Herman regarding that issue, you are
25 not to disclose. If you've learned in some other

1 fashion, you may answer.
2 THE WITNESS: Okay.
3 I wouldn't know.
4 BY MR. TEIN:
5 Q. You don't know?
6 A. No.
7 MR. LEOPOLD: Objection. Foundation.
8 Attorney/client privilege.
9 BY MR. TEIN:
10 Q. And you say you don't know who Jeff Sloman
11 is?
12 A. No, sir.
13 Q. Does it refresh your recollection that he's
14 the number two prosecutor at the U.S. Attorney's Office?
15 A. No.
16 Q. That he's Marie Villafona's boss?
17 A. No.
18 Q. Does it refresh your memory that he's the
19 ex-partner of Jeff Herman, the first lawyer who sued
20 you -- sued Mr. Epstein on your behalf for fifty million
21 dollars?
22 A. No. I don't know who he is.

23 Q. Without telling me any conversations that
24 you've had with your lawyers, how is it that you selected
25 Mr. Herman as your lawyer from the 81,000 members of the

1 Florida Bar?
2 A. I did not select him.
3 Q. Who did?
4 A. My father.
5 Q. Did you ever meet Mr. Herman?
6 A. Once.
7 Q. Don't -- don't tell me what you discussed
8 with him. Where did you meet him?
9 A. I was shopping in my -- he showed up at my
10 friend's house.
11 Q. Whose house?
12 A. My friend [redacted]
13 Q. Is that [redacted] from [redacted]
14 [redacted]
15 A. Yes.
16 Q. And did you have a meeting with him at
17 [redacted]'s house?
18 A. Yes. I guess you could say that.
19 Q. And who else was there?
20 A. My Aunt [redacted].
21 Q. And what was that meeting about?
22 MR. LEOPOLD: Objection. That calls for
23 attorney/client privilege.
24 BY MR. TEIN:
25 Q. What discussions did you have with

Mr. Herman in the presence of [redacted]?

A. None.

Q. What discussions did you have in the presence of her aunt?

A. Of my aunt?

MR. GOLDBERGER: It's the witness's aunt.

BY MR. TEIN:

Q. Oh, of your aunt.

A. The only one that we've ever discussed or ever had.

Q. And so you were in a conversation with Mr. Herman and your aunt?

A. Yes, sir.

Q. And you discussed privileged matters during that conversation?

MR. LEOPOLD: Object to the form. I think you might have to educate her on that question.

BY MR. TEIN:

Q. You discussed the lawsuit?

A. Yes.

Q. Did [redacted] tell you about any conversations that she had with Mr. Herman?

A. As far as I'm concerned, she's never spoken or she's never had a conversation. She only opened the door and then left. She's the one who answered the door.

Q. Why did the meeting take place at [redacted] [redacted] house?

A. I spent the night that night at her house.

Q. And when was this?

5 A. A while ago.
6 Q. How long ago?
7 A. A month and a half ago. I'm guessing.
8 Q. A month and a half ago?
9 A. Uh-huh.
10 Q. So was it before of after Mr. Herman filed
11 the fifty-million-dollar lawsuit against Epstein?
12 A. After.
13 Q. Did you meet what an FBI agent named Nesbit
14 Kirkendall, a woman?
15 A. I don't know.
16 Q. Did Ms. Kirkendall speak to you about
17 getting reimbursed from Mr. Epstein?
18 A. I've never had a discussion with anyone
19 about getting reimbursed from Mr. Epstein.
20 Q. Have you met with an agent named Jason
21 Richards?
22 A. Not to my knowledge.
23 Q. How about an agent named Tim Slater?
24 A. No, sir.
25 Q. How about an agent named Junior Ortiz?

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1 A. No.
2 Q. And we've learned that many of the girls,
3 some of whom are as old as 23, were told by the
4 government that they would get money at the end of the
5 criminal prosecution. Does that sound familiar to you?
6 A. No, sir.
7 Q. Other than Mr. Leopold here -- I'm not
8 asking about Mr. Herman either --

9 A. Uh-huh.
10 Q. -- did anyone ever discuss with you that
11 you could get reimbursement for your damages?
12 A. No, sir.
13 Q. Did you or any member --
14 MR. LEOPOLD: Are you referring to a
15 criminal matter or a civil matter?
16 BY MR. TEIN:
17 Q. Did you or any member --
18 MR. LEOPOLD: Excuse me. Let me object to
19 the form of the question.
20 BY MR. TEIN:
21 Q. Did you or any member of your family ever
22 get a victim notification letter from anyone?
23 A. I no longer live at that residence and I
24 wouldn't know.
25 Q. So your testimony is that you have never

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1 received a victim notification letter, correct?
2 A. Correct.
3 Q. And your testimony is that you don't know
4 if your parents have ever received a victim notification
5 letter, correct?
6 A. Correct.
7 Q. Have you given any evidence to prosecutors
8 or law enforcement in this case?
9 A. What do you mean by evidence?
10 Q. Well. Anything that you can touch or feel?
11 A. No.
12 MR. LEOPOLD: Objection to the form of the
13 question.

14 BY MR. TEIN:
15 Q. So you haven't given anything physical --
16 A. No.
17 Q. -- any item to any prosecutor, police
18 officer or law enforcement agent, correct?
19 A. My cell phone four years ago or three years
20 ago, but that's it.
21 Q. You gave your cell phone to whom?
22 A. Michelle Pagan.
23 Q. Did she keep it?
24 A. Ask her.
25 Q. You gave it to her and then you didn't get

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1 it back at the end of the meeting?
2 A. No. They -- yeah. No. They have it. I'm
3 guessing. I don't have it.
4 Q. How much money are you hoping to get out of
5 Mr. Epstein?
6 MR. LEOPOLD: Objection to the form of the
7 question. Attorney/client privilege.
8 BY MR. TEIN:
9 Q. How much money are you hoping to get, you,
10 yourself, hoping to get out of Epstein?
11 MR. LEOPOLD: Same. Same objection,
12 attorney/client privilege.
13 Don't answer the question.
14 BY MR. TEIN:
15 Q. I'm not asking about what your lawyer told
16 you.
17 MR. LEOPOLD: I'm instructing her not to

18 answer the question, because any of those
19 conversations involve her counsel.
20 MR. TEIN: Certify that.
21 MR. LEOPOLD: Please.
22 .....CERTIFIED QUESTION.....
23 BY MR. TEIN:
24 Q. Now, Saige, you lied to get out of this
25 deposition, didn't you?

1 A. No, sir.
2 Q. You didn't want to come to court today and
3 tell the story that you had told to the police under
4 oath, did you?
5 MR. LEOPOLD: Object to the form of the
6 question. Lack of foundation, predicate.
7 THE WITNESS: No. I have no problem coming
8 here and talking to you.
9 BY MR. TEIN:
10 Q. And to avoid getting served with a lawful
11 subpoena, you lied about your name, didn't you?
12 A. No.
13 Q. And in fact, just lying yourself wasn't
14 enough, was it?
15 MR. LEOPOLD: Objects to the form of the
16 question.
17 Don't answer it. It's not a question.
18 Object to the form of the question. Lack
19 of foundation.
20 MR. TEIN: Are you instructing her not to
21 answer?
22 MR. LEOPOLD: I am.

23 MR. TEIN: Certify it.
24 MR. LEOPOLD: Please.
25

1 .....CERTIFIED QUESTION.....
2 BY MR. TEIN:
3 Q. You asked your co-workers --
4 MR. LEOPOLD: It's vague and ambiguous.
5 BY MR. TEIN:
6 Q. You asked your co-workers at the
7 [redacted] to lie for you, didn't you?
8 A. No. I informed my boss about what was
9 going on and he told me that he would help in any way
10 that he can.
11 Q. Okay. You got your friend [redacted] to lie
12 by switching name tags with you, correct?
13 A. Incorrect. It was a coincidence that same
14 night she was not wearing her name tag; she was wearing
15 mine. But I was also not wearing -- I was wearing my
16 name tag. Everyone switches name tags. It just so
17 happens it was a coincidence that same night the people
18 came with the papers.
19 MR. TEIN: Will you put up Exhibit 18-001?
20 MR. GOLDBERGER: And mark 18-001 for
21 identification purposes to this deposition.
22 MR. LEOPOLD: None of them have been marked
23 yet. Can we mark them and put them as attachment
24 to the depositions? Because I think you've shown
25 three photos now. And this is the only one that

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1 has been marked for identification yet.
2 BY MR. TEIN:
3 Q. [redacted]--
4 MR. LEOPOLD: Hold on just a second. Just
5 so the record is clear --
6 MR. TEIN: I'm not speaking to you.
7 MR. LEOPOLD: Okay. Then don't speak to me
8 then. But I'll speak to Mr. Goldberger, perhaps.
9 But at least for the record, can we put on
10 the record what the previous two photographs were
11 marked for identification?
12 MR. GOLDBERGER: We will make sure that the
13 record is clear at the end of the deposition so
14 that there's no ambiguity.
15 MR. LEOPOLD: Thank you.
16 BY MR. TEIN:
17 Q. [redacted] I've put a photograph marked 18-001
18 up on the screen. Do you see that?
19 A. Yup.
20 Q. Who is that in the photo?
21 A. [redacted] on the left and me on the right.
22 Q. [redacted] right?
23 A. Yes.
24 Q. [redacted], your friend at the
25 [redacted] right?

1 A. Yes.
2 Q. [redacted] your friend, who you say the day
3 that the process servers went to serve you with a
4 subpoena for this deposition, just happened -- just by

5 coincidence, was wearing your name tag?
6 A. Yes, sir.
7 Q. And just by coincidence, you were wearing
8 her name tag, correct?
9 A. Yes.
10 Q. Your testimony under oath is that's just a
11 coincidence, right?
12 A. Total honesty.
13 Q. It just happens to be the day that you were
14 going to be served with a subpoena, correct?
15 A. That wasn't the first day that --
16 MR. LEOPOLD: [redacted] just answer the
17 question. It calls for a yes or no.
18 THE WITNESS: Yes.
19 BY MR. TEIN:
20 Q. You said that wasn't the first day you were
21 going to be -- you thought you were being served with a
22 subpoena, correct?
23 A. Correct.
24 Q. You knew before the day that you switched
25 name tags with [redacted] that the process servers were

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1 looking for you, didn't you?
2 A. No. I knew --
3 MR. LEOPOLD: Just answer it. It calls for
4 a yes or no.
5 THE WITNESS: Okay. No.
6 BY MR. TEIN:
7 Q. Now you can explain the answer that your
8 counsel stopped you from explaining.

9 A. Okay. I work at [redacted] and people
10 were telling me that people were looking for me. So yes,
11 I was aware that people were searching for me, but I had
12 no idea who they were or what their intentions were, but
13 I thought they were just people I didn't want to talk to.
14 So I just didn't want to talk to them. And every time
15 they'd come to work I wasn't there. And so happens the
16 night that they came in me and my friend switched name
17 tags. No big deal.
18 Q. That's a lie, isn't it?
19 MR. LEOPOLD: Objection. Don't answer that
20 question. That's harassment and I will not allow
21 it. He could ask the questions and we'll allow a
22 jury to make that determination, but not counsel.
23 I will not allow her to answer that
24 question.
25 MR. TEIN: Certify it.

1 MR. LEOPOLD: I'll certify it.
2 .....CERTIFIED QUESTION.....
3 She's answered that question. She's explained it five
4 times already. The fact that Counsel doesn't like the
5 answer, that's a different query.
6 MR. TEIN: Stop making speaking objections.
7 MR. LEOPOLD: I'm not. I'm not going to
8 put up with it, because it's in appropriate, Jack,
9 and you know it. I will not allow Counsel to
10 berate a witness, whether it's in a criminal case
11 or a civil case, whether my client or --
12 MR. TEIN: Calm down.
13 MR. LEOPOLD: Excuse me.

14 No, I'm not going to allow it. That is not
15 proper.
16 MR. GOLDBERGER: Okay.
17 MR. LEOPOLD: If he wants to say that she's
18 lying after asking it five times and her
19 explaining in great detail, he can do that. But
20 I'm not going to allow her to answer, nor be
21 harassed by him. It's improper.
22 MR. GOLDBERGER: Okay. But your response
23 that Counsel doesn't like the question -- or
24 doesn't like the answer -- just let me finish.
25 MR. LEOPOLD: Absolutely. I wasn't going

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1 to interrupt you.
2 MR. GOLDBERGER: Just requires us to say we
3 like the answer to that question. And it's not
4 you and I or you and Mr. Tein who are testifying
5 here. It's the witness.
6 MR. LEOPOLD: Fine. But after the sixth
7 time of asking the same question and then coming
8 back and pointing a finger at her and saying,
9 you're a liar --
10 MR. TEIN: That didn't happen.
11 MR. LEOPOLD: That's fine. But I'm not
12 going to allow her to answer that question because
13 she's answered that same question and has
14 explained it.
15 Now Counsel might be sitting there rubbing
16 his head with a migraine. That's his problem.
17 But if he can't ask a question appropriately in a

18 professional manner, we will leave. I will not
19 allow her to be berated like that.
20 MR. GOLDBERGER: Actually, we're very happy
21 with the answer.
22 MR. LEOPOLD: That's great.
23 MR. GOLDBERGER: Do you want us to get into
24 that?
25 MR. TEIN: Ted --

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1 MR. LEOPOLD: This is really big stuff that
2 you're going through, but that's fine; just ask
3 your question and move on. But do it one time.
4 If you don't understand it, I'll let you follow
5 up, but I'm not going to allow you to ask the same
6 question the time and again and then call her a
7 liar. Just ask the question, get the answer and
8 move to the next subject matter.
9 MR. TEIN: Ted, I'm sitting right across
10 the table from you.
11 MR. LEOPOLD: Yes, sir.
12 MR. TEIN: Please be quiet. Don't yell.
13 MR. LEOPOLD: I will not be quiet.
14 MR. TEIN: Stop yelling.
15 MR. LEOPOLD: Lewis, when I'm yelling
16 you'll know it. I will not --
17 MR. TEIN: My name is not Lewis.
18 MR. LEOPOLD: I thought your first name was
19 Lewis, Mr. Tein.
20 MR. TEIN: You watched me for three days at
21 the evidentiary hearing where you sat in the back
22 of the courtroom. You should know who I am.

23 MR. LEOPOLD: Well, that's the impression
24 you must have made in the courtroom.
25 I will not be quiet.

1 MR. TEIN: That's obnoxious. Stop being
2 obnoxious. It's stupid. Let's go ahead with the
3 questions.
4 MR. LEOPOLD: I will make the record.
5 MR. TEIN: Let's get on with the questions.
6 MR. LEOPOLD: Do you need a break?
7 (Thereupon, a recess was taken.)
8 BY MR. TEIN:
9 Q. Okay. [redacted] after you told your manager
10 at the [redacted] everything that was going on
11 and he told you he would help you any way he could, he
12 hid you in the kitchen from the process servers, correct?
13 A. Incorrect.
14 Q. Isn't it true that lying to avoid service
15 is a meaningless lie to you, [redacted]?
16 A. Incorrect.
17 Q. What is your manager's name?
18 A. I have three. Would you like to know
19 all --
20 Q. Who's the one who lied for you?
21 A. Justin.
22 Q. And what did Justin do to lie for you?
23 A. Said I wasn't there.
24 Q. And who did he tell wasn't there?
25 A. Ask him.

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Q. Where were you when Justin told this someone that you were not at the [redacted]?

A. Eating nachos.

Q. At the [redacted]?

A. Yes.

Q. What did you do so that Justin would lie to the process servers for you?

A. Nothing.

Q. You just got him to lie for you, didn't you?

A. No. I had no influence on him saying I wasn't there.

Q. He took that upon himself?

Isn't it true that Mr. Epstein's process servers had to ask the police to get you out of the restaurant so that they could serve you?

MR. LEOPOLD: Objection. Lack of foundation, predicate.

BY MR. TEIN:

Q. You can answer the question.

MR. LEOPOLD: If you know. Don't guess.

THE WITNESS: No. Can you repeat the question?

MR. TEIN: Don't coach.

MR. LEOPOLD: Don't guess.

MR. TEIN: That's a coaching.

MR. LEOPOLD: No. That's an instruction to the client.

MR. TEIN: No. You don't do that.

5 THE WITNESS: Can you repeat the question?
6 MR. LEOPOLD: Let me just state for the
7 record --
8 BY MR. TEIN:
9 Q. Once the police -- isn't it true that
10 Mr. Epstein's process serves had to ask the police to get
11 you out of the restaurant so that they could serve you?
12 A. Incorrect. My boss called the police.
13 Q. And once the police showed up, to stop you
14 from lying to avoid service, you made up another lie that
15 the process servers had harassed you. Isn't that
16 correct?
17 A. Incorrect.
18 Q. You lie all the time, don't you?
19 MR. LEOPOLD: Objection.
20 THE WITNESS: Incorrect.
21 BY MR. TEIN:
22 Q. You have a MySpace page, don't you?
23 A. No longer do I have a MySpace page. I
24 deleted it.
25 Q. When did you delete your MySpace page?

1 A. A couple days ago.
2 Q. Who told you to take your MySpace page down
3 a couple of days ago?
4 A. Nobody. I'm sick and tired of MySpace.
5 Q. You all of a sudden got sick and tired of
6 MySpace and just a few days before this deposition you
7 decided to delete your MySpace page, correct?
8 A. Correct.

9 Q. Is that your testimony under oath?
10 A. Yes.
11 Q. Did you take your MySpace page down because
12 you thought the government might subpoena it?
13 A. Incorrect.
14 Q. Hadn't your MySpace page been up for over
15 three months before you took it down?
16 A. Correct. But I also had made tons of
17 MySpaces over the last years. I just get tired of them
18 and delete them because drama and make new ones.
19 Q. We're going to talk about that.
20 So you deleted your MySpace page after you
21 were already under subpoena for this deposition, correct?
22 A. Correct.
23 Q. What about the MySpace page didn't you want
24 us to see, [redacted]?
25 A. Nothing.

1 Q. Well, we're going to come back to MySpace
2 in a second.
3 A. You do that.
4 Q. [redacted] I'm going to ask you some questions
5 about why you lie about your age so often, okay?
6 MR. LEOPOLD: Objection to the form.
7 Argumentative.
8 BY MR. TEIN:
9 Q. You lie about your age all the time, don't
10 you?
11 MR. LEOPOLD: Objection, argumentative.
12 THE WITNESS: Incorrect.
13 BY MR. TEIN:

14 Q. You lie about your age to get body
15 piercings, don't you?
16 A. Incorrect.
17 Q. You have body piercings, don't you?
18 A. Yes.
19 Q. You have four body piercings; isn't that
20 right?
21 A. Five.
22 Q. Other than the pierceings on your ears --
23 I'm not talking about that --
24 A. Oh, then no; just one.
25 Q. And where is the one body piercing?

1 A. Belly.
2 Q. When did you get that?
3 A. For my birthday, with my stepmother and my
4 father.
5 Q. And when was that?
6 A. When I was 14.
7 Q. Okay. So you had that body piercing when
8 you met Epstein, correct?
9 A. It might have been, or maybe that -- yeah,
10 either my 14th birthday or my 15th. I honestly don't
11 remember.
12 Q. Now you've lied about your age to get into
13 bars by using driver's licenses that aren't yours,
14 correct?
15 A. Incorrect.
16 Q. Are you swearing under oath that you've
17 never done that?

A. Yes, I swear under oath.

Q. And you've lied about your age to buy beer, correct?

A. Incorrect.

Q. You're swearing under oath that you've never lied to stores about your age?

A. I've never lied to a store about my age or anything.

Q. You try to look much older than you are, don't you?

A. Incorrect.

Q. And you've lied about your age on your MySpace pages, don't you?

A. Incorrect.

Q. All right. Let's look at Exhibit 26-01 one.

MS. BELOHLAVEK: 26-001?

MR. TEIN: Yes.

BY MR. TEIN:

Q. On this page you lied to everyone that you were 18, didn't you?

A. Correct.

Q. Let's go to Exhibit 33.

MS. BELOHLAVEK: That's 33-001?

TEIN: Correct.

BY MR. TEIN:

Q. On this page you lied to everyone that you were 19, didn't you?

A. Incorrect.

MR. LEOPOLD: Just answer the question.

23 THE WITNESS: Oh, incorrect.
24 BY MR. TEIN:
25 Q. Now you can explain your answer.

1 A. I know that I have seen all of these and I
2 know that this one is mine.
3 Can you go down?
4 MR. LEOPOLD: Just for the record, you're
5 pointing to the photo.
6 THE WITNESS: I'm pointing to --
7 BY MR. TEIN:
8 Q. You're pointing to the one where it says
9 you're age is 18?
10 A. Correct.
11 Q. That's yours, right?
12 A. Correct. That's mine from a couple years
13 ago that I have not been on base I don't use that.
14 Please keep going down, please. And I think that's it,
15 because there's no one -- just that one is mine.
16 Q. So the one you pointed to where it says
17 your age is 18, that's yours, correct?
18 A. Correct.
19 Q. And when you wrote 18 as your age on your
20 MySpace page, that was a lie, wouldn't it?
21 A. Correct.
22 Q. Did you lie about your MySpace page back
23 then because you couldn't post on MySpace unless you were
24 18?
25 A. Correct. There was a rule many years ago

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that you had to be 18 to have a MySpace.

Q. So you lied about your age so you could post on MySpace, right?

A. Yes.

Q. Let's go back to the top one on this page, 33-01.

Are you testifying now under oath that this MySpace page where the headline says, "Twins do have more fun," and the location is given as Lox, abbreviation for Loxahatchee, and the age is 19, and it says: [redacted] Is it your testimony that you did not post that?

A. Correct.

Q. Now let's go back to the one that you were pointing to before on this page, where it says your age is 18 and you lied about your age to post MySpace, okay?

A. Uh-huh, yes.

Q. All right. Why did you finally put your true age on your MySpace profile four days before you were scheduled to testify before the Grand Jury?

A. I don't know what you're talking about.

MR. LEOPOLD: If you don't understand, ask him to ask the question again.

MR. TEIN: Don't coach.

THE WITNESS: I don't know which MySpace

you're talking about.

BY MR. TEIN:

Q. The MySpace page that you're just pointing to, where it says you were 18.

5 A. Yes.
6 Q. And you were lying about your age, right?
7 A. Uh-huh.
8 Q. Why did you finally post your true age on
9 your MySpace profile --
10 A. Uh --
11 Q. -- four days before you were scheduled to
12 testify before the Grand Jury?
13 A. I honestly don't know which MySpace,
14 because I've had like a bazillion MySpaces and in that
15 year, I had two, that one and another one and that one's
16 been deleted. So I don't know which one you're referring
17 to.
18 Q. You remember that you changed your age on
19 your MySpace page from 18 to your true age just four days
20 before you went and testified in the Grand Jury?
21 A. No.
22 Q. You don't remember that.
23 A. No.
24 Q. Do you remember Detective Recarey? Did you
25 ever meet a Detective Recarey?

1 A. I don't know the names.
2 Q. How many different detectives have you met
3 with on this case from Palm Beach?
4 A. Probably a good six or seven, maybe.
5 Q. Did one of the detectives tell you before
6 you testified in the Grand Jury that you should take your
7 MySpace age and put your true age?
8 A. No.

9 Q. Didn't Detective Recarey have to come to
10 your house to pick you up to get you to testify in front
11 of the Grand Jury?
12 A. Possibly, maybe because I didn't have a
13 ride. I was only 14 or 15 at the time.
14 Q. Your mom didn't drive you?
15 A. No.
16 Q. Stepmom didn't drive you?
17 A. I think my dad. Oh, my dad / my dad drove
18 me.
19 Q. Your dad drove you?
20 A. Yes, sir.
21 Q. So your testimony is Detective Recarey did
22 not drive you, correct?
23 MR. LEOPOLD: Objection /asked and
24 answered.
25 THE WITNESS: No. I'm pretty sure my dad

1 drove me because he was there with me.
2 BY MR. TEIN:
3 Q. Did any detective tell you to change your
4 age on your MySpace page to put your true age?
5 A. No, sir.
6 Q. Now you also lied on your MySpace page
7 about your income, didn't you?
8 A. Yes.
9 Q. And you lied, saying that you made a
10 quarter million dollars a year and higher, correct?
11 A. As a joke, yes.
12 Q. That was a lie, wasn't it?
13 A. Yes.

14 Q. And you also lied on your MySpace page,
15 saying that you were married, didn't you?
16 A. Possibly. And that might have been an
17 error on my part.
18 Q. Now you also lie to the police, don't you?
19 A. No.
20 Q. Well, you lied to the police in your
21 tape-recorded statement that you gave to Detective
22 Michelle Pagan three years ago, didn't you?
23 A. To my knowledge, no, I did not.
24 Q. Well, you lied to the police when you
25 accused Mr. Epstein of attempting to murder your father,

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1 didn't you?
2 A. No. I never heard a statement saying that
3 Mr. Epstein tried to murder my father.
4 Q. You made that statement, didn't you?
5 MR. LEOPOLD: Do you have a statement to
6 show her? That's been asked and answered.
7 MR. TEIN: I'm sorry. I didn't hear the
8 witness' answer, Mr. Leopold.
9 BY MR. TEIN:
10 Q. [redacted] you told the police, didn't you,
11 that Mr. Epstein almost killed your father, didn't you?
12 A. No.
13 Q. Three years ago, before Mr. Epstein even
14 knew about this investigation, you told the police that
15 Epstein had "already come to my dad's house and did
16 something to my dad's tires and my dad almost died. I
17 didn't want my dad to get hurt, because Jeff already

18 almost killed him."

19 Didn't you say that?

20 A. Not to my knowledge or recollection. I

21 have never said anything like that.

22 Q. That would have been a complete lie,

23 wouldn't it have been?

24 A. Yeah.

25 Q. Because Mr. Epstein never came to your

1 dad's house, correct?

2 A. Correct.

3 Q. And no one who worked for Mr. Epstein ever

4 did something to your dad's tires. Did they?

5 MR. LEOPOLD: Objection. Lack of

6 foundation, predicate.

7 Don't guess.

8 BY MR. TEIN:

9 Q. It's not true that Mr. Epstein almost

10 killed your father, is it?

11 MR. LEOPOLD: Objection. Asked and

12 answered, lack of foundation, predicate.

13 BY MR. TEIN:

14 Q. You can answer.

15 A. No.

16 Q. Now you told the police that you didn't

17 know who was in the car with you and Hayley on the day

18 you went to Epstein's house, didn't you?

19 A. Yes.

20 Q. And that was a lie, wasn't it?

21 A. It's the truth.

22 Q. You told the police that there was someone

23 in the car next to you and you specifically said you
24 didn't know her name, right?
25 A. Correct. I do not know her name.

1 Q. You said, "I don't know her name, but she
2 was dark like a Spanish girl." Those were your words,
3 right?
4 A. Yes.
5 MR. LEOPOLD: Objection. Asked and
6 answered.
7 BY MR. TEIN:
8 Q. Who was in the car that day with you and
9 [redacted]?
10 A. Again, I do not know.
11 Q. It was your good friend [redacted],
12 wasn't it?
13 A. No. I don't know a [redacted].
14 Q. You lied to the police about who was in the
15 car with you and [redacted], didn't you?
16 A. Incorrect.
17 Q. Let me ask you some questions about who you
18 may have spoken to about this case. All right?
19 A. Go ahead.
20 Q. Did you speak to your [redacted] sister [redacted]?
21 A. Not in detail, but of course she knows;
22 she's family and yes.
23 Q. What's her e-mail?
24 A. I don't think she has an e-mail.
25 Q. What is her phone number?

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A. Oh, gosh. I don't know off the top of my head.

Q. And what is her home address?

A. She lives with my mom.

Q. In Georgia?

A. Yes, sir.

Q. What about [redacted]'s boy friend Paul? Did you speak to him about Epstein's case?

A. That's my mom's boy friend. My sister doesn't have a boy friend. My mom's husband's name is Paul, so maybe you get them confused.

Q. Do you know his phone number?

A. No.

Q. Where does he live?

A. With my mom.

Q. In the same house with her?

A. Yes. They're married.

Q. So not boy friend; husband?

A. Yeah, husband.

Q. Have you spoken to Brett [redacted] about what happened in Mr. Epstein's house?

A. Not in detail, but he knows the basics, yes.

Q. What is his e-mail?

A. I don't know.

Q. What is his phone number?

A. How is that relevant?

Q. What is his phone number?

A. [redacted]

5 Q. What is his home address?
6 A. I don't know.
7 Q. Where does he live?
8 A. In [redacted] somewhere.
9 Q. Ever been to his house?
10 A. Yes.
11 Q. You don't know what his address is?
12 MR. LEOPOLD: Objection. Asked and
13 answered. She just said she doesn't know.
14 MR. TEIN: Don't coach.
15 MR. LEOPOLD: Objection. Asked and
16 answered.
17 BY MR. TEIN:
18 Q. You can answer the question.
19 A. I don't know the exact address.
20 Q. What street is it on?
21 A. It's an apartment complex; its not a
22 street.
23 Q. What's the name of the apartment complex?
24 A. [redacted]
25 Q. What apartment number is it?

1 A. I couldn't tell you.
2 Q. When was the last time you went there?
3 A. Just visited this past weekend. That's the
4 first and last time I went there.
5 Q. How about Steven [redacted]? Have you spoken
6 to him about your case?
7 A. No. We no longer speak.
8 Q. What's his phone number? Actually, we

9 already have his phone number room and e-mail.

10 How about [redacted]? Have you ever

11 spoken to her about your case?

12 A. I don't know an [redacted].

13 Q. Have you ever met [redacted]?

14 A. No. But just to let you know, I don't

15 really know names. If you have pictures, of there faces

16 I could tell you.

17 Q. All right. Let me see if I can refresh

18 your memory.

19 A. Okay.

20 Q. Does it refresh your memory that [redacted]

21 is the other girl who made allegations about Epstein, but

22 refused to show to the Grand Jury when she had to testify

23 about them under oath?

24 A. No, sir. I have no knowledge of any other

25 girls in this whole situation. We're not allowed to know

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1 each other.

2 Q. I didn't get the last four words.

3 A. We're not allowed to know each other.

4 Q. And what about [redacted]? Have you

5 of met her?

6 A. No, sir.

7 Q. Let's see if I can refresh your memory on

8 her. She's the other person represented by your lawyer

9 Mr. Herman, who is suing Epstein for fifty million

10 dollars.

11 A. I have no knowledge of her.

12 Q. Never met her?

13 A. Never met her.

14 Q. Tony [redacted]?
15 A. I don't know who that is either.
16 Q. A person named Anthony who knows [redacted]?
17 Is that Tony [redacted]?
18 A. I don't know, sir.
19 Q. Do you remember making a statement to
20 Detective Pagan that's in the police reports?
21 A. No.
22 Q. Have you read the police reports in this
23 case?
24 A. Yes.
25 Q. They're on the Internet, right?

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1 A. Yes, I think.
2 Q. Were you surprised when the police reports
3 were released on the Internet containing your statements
4 that you had made to the police?
5 A. Yes.
6 Q. You didn't want to see that happen, right?
7 A. No.
8 Q. So you're saying you don't know a Tony
9 [redacted]?
10 MR. LEOPOLD: Objection. Asked and
11 answered.
12 BY MR. TEIN:
13 Q. Does it refresh your memory that he was
14 somebody who had gone to jail for drugs and car theft?
15 A. No, sir.
16 Q. Someone who knows [redacted]?
17 A. No.

18 Q. You don't know if he met with Detective
19 Recarey?
20 A. No, sir.
21 Q. How about Zack [redacted]?
22 A. Yes, I remember. I know who that is.
23 Q. Did you ever speak to Zack [redacted] about what
24 happened at Mr. Epstein's house?
25 A. He knows what happened four years ago. He

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1 doesn't know this is still going on today.
2 Q. What's his address? I'm sorry. I have his
3 address.
4 A. I don't know.
5 Q. How about Nick [redacted]?
6 A. [redacted]?
7 Q. You know who that is?
8 A. I know who that is, yes.
9 Q. He's the one you stayed out drinking all
10 night one night last year when your dad reported you
11 missing?
12 A. No, sir.
13 Q. Remember the baseball game you were
14 supposed to go to?
15 A. No, sir.
16 Q. Did you speak to Nick [redacted] about this
17 case?
18 A. No, sir.
19 Q. How about Patrick [redacted]?
20 A. That's my sister's ex-boy friend.
21 Q. He's the one with the sawed-off shotgun
22 with the obliterated serial number?

23 A. Ask him. I would not know that
24 information.
25 Q. Did you speak to Patrick [redacted] about this

1 case?
2 A. No, sir.
3 Q. Have you spoken to John [redacted] about this
4 case?
5 A. No. I don't know who John [redacted] is.
6 Q. Did your parents speak to John [redacted]?
7 A. Ask my parents.
8 Q. Let's see if I can refresh your memory as
9 to who he is. Okay?
10 A. Uh-huh.
11 Q. He's the Vanity Fair reporter who made a
12 financial arrangement with your father.
13 A. I am aware of that. And again, I was not
14 aware like that my dad did it until after it was done and
15 I don't know the details about that. I just know what
16 you know about that, like that they talked.
17 Q. Tell me what you know about the financial
18 arrangement that John Connolly the Vanity Fair reporter
19 made with your father.
20 A. I don't know about the details at all.
21 Q. How much money did John Connolly give to
22 your father?
23 A. I don't even know he gave money to my dad.
24 Q. I'm sorry?
25 A. I didn't even know he gave money to my dad.

1 Q. What do you know about the deal that John
2 Connolly has with your father?
3 A. I only know they spoke on the telephone
4 once. I don't know anything else.
5 Q. When was that?
6 A. This was a while ago, a year or two or a
7 year ago. I honestly don't know.
8 Q. Did John Connolly the Vanity Fair reporter
9 offer any money to your father?
10 A. I don't know.
11 Q. Did John Connolly, the Vanity Fair
12 reporter, give you any money?
13 A. No, sir.
14 Q. Did he offer you any money?
15 A. No, sir. Never spoke to him.
16 Q. What reporters have you spoken to?
17 A. Zero.
18 Q. What about your family members? What
19 reporters have they spoken to?
20 A. The whole Palm Beach County, obviously, as
21 you can see in that newspaper.
22 Q. Tell me -- let's go through each one that
23 you remember. Other than the Vanity Fair reporter, John
24 Connolly, what other reporters have any member of your
25 family spoken to?

1 A. I don't know. And I know my mom has spoken
2 to zero. My sister spoke to zero. My father and
3 stepmother, I wouldn't know. You'd have to ask them. I
4 don't contact them.

5 Q. Well, I just want to know -- I don't want
6 you to -- I want to know what's in your mind? All right?
7 MR. LEOPOLD: She just told you. She just
8 answered --
9 MR. TEIN: Be quiet.
10 BY MR. TEIN:
11 Q. What I want to know is what you know from
12 your personal knowledge. My opinion question to you is:
13 What knowledge do you have about family members of yours
14 speaking to reporters?
15 MR. LEOPOLD: Objection. Asked and
16 answered.
17 And if you can't talk professionally, we're
18 going to leave.
19 MR. TEIN: Do what you want to do.
20 MR. LEOPOLD: Are you going to continue to
21 talk this way?
22 MR. TEIN: I'm not going to answer any
23 question that you ask me, Mr. Leopold.
24 MR. LEOPOLD: Okay.
25 MR. TEIN: But you are misrepresenting the

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1 record and you are grandstanding for your client
2 and it's wrong. So be quiet. And you know how to
3 make an objection. Make it. Otherwise stop
4 talking.
5 BY MR. TEIN:
6 Q. Saige --
7 MR. LEOPOLD: Excuse me.
8 MR TEIN: If you want to leave the

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9 deposition, leave. But you'll be back here.
10 MR. LEOPOLD: Excuse me. If I could just
11 make the record, instead of interrupting me,
12 please, that's what we do professionally. There's
13 a recorder here. I'm certainly not being
14 obstructionist. I'm going to make the record.
15 But we're going to act with some semblance of
16 professionalism, hopefully, by all parties in the
17 room. That goes to me, that goes to your
18 co-counsel sitting behind you and next to you, the
19 court reporter and everyone else in the room.
20 Everyone goes entitled to that.
21 You've asked a question. She answered the
22 question fully and she's not going to be harassed
23 because you don't like the answer. If you want to
24 follow up --
25 MR. TEIN: Stop engaging me. Make your

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1 speech and then we'll ask the questions.
2 MR. LEOPOLD: Well, you won't let me finish
3 making the objection, so it's difficult to do
4 that. But if you want to follow with an
5 appropriate question, feel free to do that. But
6 we're not going to harass the witness.
7 MR. TEIN: I disagree with everything
8 you've said. Let's ask the questions. Okay?
9 MR. LEOPOLD: Ask an appropriate question.
10 MR. TEIN: Are you going to stop talking?
11 MR. LEOPOLD: I'm going to make -- protect
12 my client and make appropriate objection, but
13 there's not a question pending right now.

14 BY MR. TEIN:
15 Q. [redacted] has [redacted] spoken to any reporters?
16 A. No.
17 MR. LEOPOLD: Objection. Asked and
18 answered.
19 BY MR. TEIN:
20 Q. Has [redacted] been given money by any
21 reporters?
22 A. No.
23 Q. Has your mom spoken to any reporters?
24 MR. LEOPOLD: Objection. Asked and
25 answered.

1 THE WITNESS: No.
2 BY MR. TEIN:
3 Q. Has your mom's husband Paul spoken to any
4 reporters?
5 A. No.
6 Q. Has your mom's husband Paul received any
7 money from reporters?
8 A. No.
9 Q. Are you sure you don't know [redacted]?
10 MR. LEOPOLD: Objection. Asked and
11 answered.
12 THE WITNESS: I'm positive.
13 BY MR. TEIN:
14 Q. I'll try again to refresh your memory.
15 A. Okay.
16 Q. Does it refresh your memory that she had
17 been arrested for drugs and was cooperating with

18 Detective Recarey against Epstein to get herself a better
19 deal?
20 A. No. I don't know who she is.
21 Q. Have you spoken to anyone else who's been
22 at Epstein's house?
23 A. No.
24 Q. Without telling me what was said -- I don't
25 want to know about any conversations with any lawyers,

1 okay --
2 A. Uh-huh.
3 Q. -- did you or your parents speak to any
4 other law firms besides Mr. Herman and Mr. Leopold's law
5 firms?
6 A. No.
7 Q. Now without telling me about anything that
8 was said, what -- did one just come to mind?
9 A. No. I was thinking about something else.
10 Q. What were you thinking about?
11 A. Does family court matter?
12 Q. Okay. Without telling me what was said,
13 who prepared you for todays deposition?
14 A. What do you mean prepared?
15 Q. Did you talk about this deposition, about
16 what would happen, with anybody?
17 A. Yes.
18 Q. Don't tell me what was said?
19 A. Okay.
20 Q. I'm not asking that. I don't want to know
21 that.
22 A. Okay.

23 Q. Who prepared you for today's deposition?
24 A. Mr. Leopold.
25 Q. Anybody else?

1 A. No.
2 Q. When did you meet with Mr. Leopold to
3 prepare for today's deposition?
4 A. This morning.
5 Q. And how long did that meeting last?
6 A. Until it started.
7 Q. Now you told me that you previously had
8 read the police reports in this case?
9 A. Yes.
10 Q. Have you read your statement that you gave
11 to the police?
12 A. Yes, sir.
13 Q. And in what form was that statement?
14 A. What do you mean?
15 Q. Was it in the form of a police report or a
16 transcript?
17 A. What's the difference?
18 Q. A transcript has questions and answers on
19 it. A police report is just typed out narrative.
20 A. Oh, it's a police report.
21 Q. And when did you read the police report?
22 A. A few days ago. I overread it a few days
23 ago.
24 Q. Had you read it before that?
25 A. No.

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1 Q. Now you told me -- again, I don't want to
2 know what was said.
3 A. Uh-huh.
4 Q. You told me that you met with Mr. Leopold
5 this morning to prepare for your deposition, right?
6 A. Yes.
7 Q. When did you set up that meeting with
8 Mr. Leopold to take place this morning?
9 A. Gee, like, like five days ago, four days
10 ago.
11 Q. So you're aware that Mr. Leopold told us
12 that he could not start the deposition this morning
13 because he had a court appearance, correct?
14 MR. LEOPOLD: Don't answer that question.
15 Calls for attorney/client communications.
16 BY MR. TEIN:
17 Q. Have you seen the letter that Mr. Leopold
18 wrote to us stating that he -- an e-mail that Mr. Leopold
19 wrote to Mr. Goldberger stating that he could not be here
20 this morning because healed a court appearance? Did you
21 see that e-mail?
22 MR. LEOPOLD: You can answer that question.
23 THE WITNESS: No.
24 BY MR. TEIN:
25 Q. Have you listened to your tape-recorded

1 statement to the police?
2 A. Yes.
3 Q. Where did you listen to that?
4 A. In, I think, this building. I don't know.

5 It was here.
6 Q. When did you listen to that statement?
7 A. This morning.
8 Q. And who was present when you listened to
9 that statement?
10 A. Mr. Leopold -- and I forget your name.
11 MR. GOLDBERGER: Ms. Belohlavek.
12 THE WITNESS: Ms. Belohlavek.
13 BY MR. TEIN:
14 Q. And you hadn't listened to your statement
15 before that, correct?
16 A. No, sir.
17 Q. Have you met with lawyers representing
18 anyone else suing Epstein?
19 A. No, sir.
20 Q. How many times have you spoken to officers
21 with the Palm Beach Police Department?
22 A. More than I like can count. It's been
23 ongoing for four years, so quite a few times.
24 Q. When was the last time you spoke with
25 officers of the Palm Beach Police Department?

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1 A. A while ago. I'd say a year ago.
2 Q. A year ago?
3 A. Yeah. Maybe a year and a half.
4 Q. Do you remember Detective Recarey?
5 A. No.
6 Q. Do you remember Michelle Pagan, Detective
7 Pagan?
8 A. Yes.

9 Q. How many times have you spoken to Detective
10 Pagan?
11 A. She was the only one I spoke to about this
12 until for some reason she wasn't on the case anymore.
13 Q. When was that?
14 A. The first meeting I ever had was with her
15 and then I think like I met with her like 10 times or 12
16 times or something like that, and then I didn't get --
17 another investigator questioned me after that.
18 Q. And who was that?
19 A. I don't remember.
20 Q. And what type of questions did they ask
21 you?
22 A. The same.
23 Q. The same questions all over again?
24 A. Basically.
25 Q. How many taped statements have you given to

1 the police?
2 A. One that I know of.
3 Q. Just the one with Detective Pagan?
4 A. Yes, sir.
5 Q. How about to the FBI? Did you give any
6 statements to them?
7 A. No. Well, actually. I don't really
8 remember if that was taped or not to be honest with you.
9 I had one meeting with them at my house and don't know if
10 it was taped.
11 Q. You were interviewed at [redacted]
12 house?
13 A. No. That was by the lawyer.

14 Q. Oh, boy the lawyer?
15 A. Uh-huh.
16 Q. Where did the conversation that you had
17 with the FBI take place?
18 A. At my father's residence.
19 Q. Which is where?
20 A. On Downers in Loxahatchee.
21 Q. On where?
22 A. Downers Road in Loxahatchee.
23 Q. And when did that take place?
24 A. I'd have to say like a year and a half ago,
25 a year ago. It was a long time ago.

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1 (Discussion held off the record.)
2 MR. TEIN: Tell me the last answer, please.
3 (Thereupon, a portion of the record was read
4 by the reporter.)
5 BY MR. TEIN:
6 Q. And who was present when the FBI spoke to
7 you at your father's house?
8 A. My stepmother was there, but she wasn't
9 around. She made herself like do other things.
10 Q. And how many FBI agents were there?
11 A. I think four.
12 Q. And you don't remember any of their names?
13 A. No, sir.
14 Q. And were there any lawyers there?
15 A. Not that I know of.
16 Q. And none of them gave you their cell phone
17 numbers?